

# Issaquah Police Department

## Issaquah PD Policy Manual

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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## **ISSAQUAH POLICE MISSION AND VISION STATEMENTS**

### **Issaquah Police Department Mission**

Our mission is to uphold the public trust by working with all citizens to protect lives and property while sustaining a high quality of life and encouraging individual responsibility.

### **Issaquah Police Department Vision**

To be a recognized leader in local law enforcement services through professionalism, dedication, innovative solutions, and positive changes.

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## **Chapter 1 - Law Enforcement Role and Authority**



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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Issaquah Police Department to perform their functions based on established legal authority.

### 100.1.1 CHIEF OF POLICE AUTHORITY

The Chief of Police is the chief executive officer of the Police Department and is responsible for the protection of lives and property in the City of Issaquah through the supervision of all police functions. The Chief is responsible for organizing, controlling, and directing the personnel and resources of the Police Department (IMC 2.08.070).

Under the general direction of the Mayor, the Chief assumes full responsibility for Department administration and operation within established policies. The Chief exercises independence and judgment in determining procedures, standards, goals, and plans in accordance with municipal ordinances, relevant state or federal regulations, and general City policy.

## 100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

### 100.2.1 ARREST AUTHORITY

The arrest authority of the Issaquah Police Department includes (RCW 10.31.100):

- (a) When a peace officer has probable cause to believe that a person has committed or is committing a felony, the peace officer shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of a peace officer, except as provided in RCW 10.31.100 (e.g., when there is probable cause for certain offenses that involve domestic violence, driving under the influence, motor vehicle accidents).
- (c) A peace officer may arrest a person in compliance with an arrest warrant after confirming the existence and extradition. A peace officer making an arrest must inform the person that the peace officer is acting under the authority of a warrant and must provide the person with a copy of the warrant at the time of the arrest or arrival at the holding facility.

## 100.3 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.

## *Law Enforcement Authority*

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### **100.4 LIMITED COMMISSION AUTHORITY**

1. The Jail Manager and Jail Transport Officer are uniformed support personnel holding limited law enforcement commissions by authority of RCW 10.93.020 and IMC 2.08.070. The Jail Manager and Jail Transport Officer are authorized to carry a department issued weapons in the performance of their duties. The parameters of the limited commission for the Jail Manager and Jail Transport Officer are limited to the following law enforcement related tasks:

- a. Taking prisoners into custody by authority of court order at a Court or Jail Facility.
- b. Taking warrant subjects into custody at a Court and Jail Facility by authority of the court.
- c. Taking warrants subject into custody by authority of a police supervisor.
- d. Maintaining order and security at Court Facilities.
- e. While acting in the supervision and transportation of prisoners, and in the apprehension of prisoners who have escaped, custody officers shall have the powers and duties of a peace officer (RCW 9.94.050).

2. The Issaquah Municipal Court Security Officer is a uniformed personnel holding a limited law enforcement commission by authority of RCW 10.93.020 and IMC 2.08.070. The Issaquah Municipal Court Security Officer is authorized to carry a department issued weapon in the performance of their duties. The parameters of the limited commission for the Issaquah Municipal Court Security Officer are limited to the following law enforcement related tasks:

- a. Taking prisoners into custody by authority of court order.
- b. Maintaining order and security at the Issaquah Municipal Court.

3. Corrections Officers have the following limited commission authority:

- a. Taking prisoners into custody by authority of court order at a Court or Jail Facility.
- b. Taking warrant subjects into custody at a Court facility by authority of the court.

### **100.5 POLICY**

It is the policy of the Issaquah Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

## *Law Enforcement Authority*

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### **100.6 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Idaho or Oregon in fresh pursuit of a person believed to have committed a felony (Idaho Code 19-701; ORS 133.430).

When an officer makes an arrest in Idaho or Oregon, the arresting officer shall cause the person to be taken without delay to a magistrate in the county where the arrest was made (Idaho Code 19-702; ORS 133.440).

## Law Enforcement Certification

### 102.1 PURPOSE AND SCOPE

All sworn officers employed by the Issaquah Police Department shall receive certification by CJTC prior to assuming law enforcement duties and responsibilities, and shall begin attending an approved academy within the first six months of employment (RCW 43.101.095(1); RCW 43.101.200(1)).

#### 102.1.1 HIRE/TERMINATION NOTIFICATION REQUIRED

When a sworn officer joins or leaves the department, the Chief of Police or designee, shall complete the CJTC Hire/Termination Form and send it to the CJTC within 15 days (RCW 43.101.135).

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## Oath of Office

### 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

#### 104.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer.

All sworn employees shall comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

### 104.2 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule and any applicable state and/or local law.

### 104.3 POLICY

It is the policy of the Issaquah Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### 104.4 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions (RCW 43.101.021).

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be omitted.

## Agency Jurisdiction

### **105.1 THE PURPOSE OF THIS POLICY IS TO IDENTIFY AN OFFICER'S AUTHORITY AND ENFORCEMENT JURISDICTION**

The corporate City Limits of the City of Issaquah are the geographical boundaries of the jurisdiction of the Issaquah Police Department.

Issaquah Police Department officers have exclusive jurisdiction and responsibility for enforcing Issaquah City Ordinances, except when contracted or agreed to otherwise.

### **105.2 AGENCIES WITH CONCURRENT JURISDICTION**

The King County Sheriff's Office, the Washington State Patrol, and those other agencies authorized pursuant to RCW 10.93.070 by letter of authority have concurrent jurisdiction.

The Issaquah Police Department supports the concept of interagency cooperation and will cooperate fully with other agencies of jurisdiction in the discharge of their duties within the City Limits.

### **105.3 OFF DUTY EMPLOYMENT**

Off-Duty Employment is defined as secondary employment performed by sworn or non-sworn staff, while off duty from their Issaquah Police Department employment. This type of employment is done outside the department wherein the use of law enforcement powers is not anticipated.

#### **105.3.1 OFF DUTY EMPLOYMENT REQUIRES APPROVAL**

An employee of the department shall not accept employment outside the course of his or her official duties unless he or she fully discloses in writing to the Chief or his designee:

- (a) The Employer contact information,
- (b) The nature of services for which he or she is to perform, and
- (c) Approval is granted in writing by the Chief or designee.

Requests for off-duty employment must be approved prior to the commencement of employment. The City shall respond to the original request for off-duty employment within 15 days. The response will be in writing, denials will list which conflicts of this policy that apply. Permission may not be unreasonably withheld. Permission will be assumed if not specifically denied within the prescribed time limit.

The employee shall notify the Chief or designee, should their status at the outside employer change, such as discontinue employment, nature of services change or employer contact information changes.

#### **105.3.2 SOME OFF DUTY EMPLOYMENT PROHIBITED**

Off-Duty Employment that constitutes a conflict of interest or brings discredit to the department is prohibited. Employment that may constitute a conflict of interest includes, but is not limited to:

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- (a) Case preparation for the defense or in any criminal proceedings involving a government entity, municipal or State agency. Case preparation for the plaintiff or in any civil proceedings against a government entity, municipal or State agency.
- (b) In occupations that are regulated by, or must be licensed through the law enforcement agency.
- (c) Employment in a casino, lounge, tavern or nightclub setting where alcoholic beverages are served.
- (d) Use of the Issaquah Police Department uniform or equipment is prohibited.
- (e) As a process server, bill collector, or any other employment, that may require the use of police power for a private purpose.
- (f) Employment in or involving any gambling establishment.

#### **105.3.3 OFF DUTY EMPLOYMENT LIMITED**

Employees engaged in approved off duty employment are restricted to working no more than 20 hours per week for a secondary employer. Employees found working in excess of this restriction may have permission rescinded by the Chief or designee.

Employees may be required to provide proof of off duty hours worked each month.

#### **105.3.4 EMPLOYEES SUBJECT TO EMERGENCY CALL-BACK**

Employees engaged in off-duty employment are subject to emergency call back and may be expected to leave his/her off-duty employment in such situations.

#### **105.3.5 OFF DUTY EMPLOYMENT IS NOT INDEMNIFIED BY CITY**

The City of Issaquah does not indemnify members engaged in off-duty employment.

### **105.4 EXTRA DUTY EMPLOYMENT**

Extra-Duty Employment is defined as employment where a government, profit making or not for profit making entity requests the Issaquah Police Department provide law enforcement officers who are able to exercise police powers for extra work. All non-probationary officers are authorized to work extra-duty law enforcement employment unless otherwise directed by the Chief of Police or designee.

#### **105.4.1 EXTRA DUTY WORK THAT MAY BE APPROVED**

Extra-duty services which may be approved include:

- (a) Private business security;
- (b) Traffic control and pedestrian safety;
- (c) Crowd patrol;
- (d) Routine law enforcement for public authorities;
- (e) Plain-clothes assignments.

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#### 105.4.2 EXTRA DUTY WORK THAT REQUIRES DENIAL

Extra-duty employment will not be approved when officers are requested to work given the following situations:

- (a) Any occupation of a menial nature, when in uniform or otherwise identified as an officer, which would tend to lower the dignity of the police service.
- (b) As a process server, bill collector, or any other employment which may require the use of police power for a private purpose.
- (c) Employment in a casino, lounge, tavern or nightclub setting where alcoholic beverages are served.
- (d) The Chief of Police or designee must authorize any work where alcohol is served at a public event.

#### 105.4.3 EXTRA DUTY CONSIDERED EMPLOYMENT OF THE CITY

Officers working extra-duty employment are considered employees of the City of Issaquah Police Department. The City of Issaquah, who is reimbursed by the extra-duty employer, compensates department members for extra-duty employment. The City of Issaquah indemnifies officers engaged in extra-duty employment. Officers shall comply with all department policies and procedures while working in an extra-duty capacity.

#### 105.4.4 EXTRA DUTY COMPENSATED PER AGREEMENT

The rate of compensation for extra-duty employment is articulated as the overtime rate stated in the agreement between the City of Issaquah and the Issaquah Police Officer's Association. Comp time in lieu of pay for extra-duty work is not authorized.

Upon completion of an extra-duty assignment, officers will note the hours and assignment worked on a time card that is submitted at the end of the each pay period in which the extra-duty assignment was completed.

#### 105.4.5 OFFICERS SUBJECT TO CALL-BACK

Officers engaged in extra-duty employment are subject to emergency call back and may be expected to leave his/her extra-duty employment in such situations.

#### 105.4.6 EXTRA DUTY ADMINISTERED THROUGH THE PATROL DIVISION

The Extra-Duty Employment is administered within the Patrol Division under the direction of the Patrol Commander. Extra-duty employment Coordinator is the Administrative Assistant assigned to the Command staff.

#### 105.4.7 RESPONSIBILITIES OF THE ADMINISTRATIVE ASSISTANT

The Coordinator responsibilities of the Administrative Assistant are as follows:

- (a) Act as point of contact for vendors requesting extra-duty employment.
- (b) Keep Patrol Commander informed of requests for extra-duty employment.



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- (c) Generation and maintenance of extra-duty employment records and postings.
- (d) Provide a description of the extra-duty job and the expectations of officers with the posting.
- (e) Processing of payment requests including the correlation of payment requests with job announcements and openings.

### 105.4.8 EXTRA DUTY SIGN UP RULES

Officers should only work extra-duty jobs on their regular or scheduled days off, unless the extra-duty work can be completed on a regularly scheduled work day and combined hours don't exceed 16 hours in a 24 hour period.

#### **Definitions:**

**Regular Days Off** - are defined as days off according to the employees work schedule.

**Scheduled Days Off** - are defined as regular work days scheduled as leave time off such as vacation, comp time or holiday. Sick leave and Family Medical Leave time off is excluded, extra duty work may not be performed while the employee is using Sick leave or Family Medical Leave.

- (a) Officers may sign up for two (2) jobs per month. Additional jobs can be worked given the following circumstances:
  - 1. An extra-duty job is vacant seven (7) days prior to the job date and the officer is on their regular days off.
  - 2. An extra-duty job is vacant four (4) days prior to the job date and the officer is on their regular or scheduled days off.
  - 3. Approval by the Patrol Commander.
- (b) When signing up for an extra-duty job, officers shall:
  - 1. Personally sign up for the extra-duty job.
  - 2. Sign in the space provided on the posting, and,
  - 3. Avoid switching or trading jobs unless approved by the Patrol Commander.

### 105.4.9 REQUIREMENTS FOR WORKING EXTRA DUTY

Officers reporting for extra-duty work are required to:

- (a) Officers must notify the duty supervisor and communications of the location and hours of the extra-duty job.
- (b) Officers will remain at the location of the extra-duty job except in the event of a critical or emergency call for service or at the direction of a supervisor.
- (c) Officers will not accept gratuities or meals from the extra-duty job employer and will follow rules of conduct. (Ref Policy 340)

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- (d) Officers shall perform extra duties which are requested by the employer and approved by the Patrol Commander.
- (e) Supervision of officers working extra-duty jobs is assigned to the Patrol Sergeant or designee based on the hours of the extra-duty job.

#### 105.4.10 VIOLATIONS OR COMPLAINTS WHILE WORKING EXTRA DUTY

Violations of extra-duty policy and procedure shall be reported to and investigated by the Patrol Commander or designee. Violations may include failure to complete a job assignment or failure to follow the policy as outlined in Policy 105.4. Police/Citizen complaints while working extra-duty work will be processed according to Policy 1020.

Violations of extra-duty policies or sustained citizen complaint while working extra-duty may result in disciplinary action as defined in Policy 1020.

#### 105.4.11 CANCELLATION OF EXTRA DUTY EMPLOYMENT & OVERTIME SHIFT COVERAGE

Members who sign up for a job or overtime shift coverage must fulfill the obligation. If, for any reason, the member is unable to work the job or overtime shift coverage, the member must notify the Coordinator or On-duty Supervisor personally. The Coordinator or On-duty Supervisor will be responsible for finding a replacement and will make the changes on the sign-up sheet. However, members who cancel an extra-duty assignment or overtime shift coverage within seven (7) days of the job are responsible for finding a replacement. If a replacement can't be found the member who originally signed up for the extra-duty job or overtime shift coverage must fulfill the obligation.

# Policy Manual

## **106.1 PURPOSE AND SCOPE**

The manual of the Issaquah Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## **106.2 POLICY**

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### **106.2.1 DISCLAIMER**

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Issaquah Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Issaquah Police Department reserves the right to revise any policy content, in whole or in part.

## **106.3 AUTHORITY**

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Special Orders, which shall modify those provisions of the manual to which they pertain. Special Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

### **106.3.1 ACCREDITATION MANAGER MAINTAINS MANUAL**

The Chief shall designate an Accreditation Manager, who is responsible for maintaining the Policy Manual. The Accreditation Manager shall assure the Manual which is stored in the department computerized document system, is properly maintained and updated.

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#### **106.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CFR** - Code of Federal Regulations.

**City** - The City of Issaquah.

**Non-sworn** - Employees and volunteers who are not sworn peace officers.

**CJTC** - The Criminal Justice Training Commission.

**Department/IPD** - The Issaquah Police Department.

**DOL** - The Department of Licensing.

**Employee** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Issaquah Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Issaquah Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Non-sworn employees
- Volunteers

**Officer** - Those employees, regardless of rank, who are sworn peace officer employees of the Issaquah Police Department.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Rank** - The title of the classification held by an officer.

**RCW** - Revised Code of Washington (Example: RCW 9.41.040).

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The

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supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

**WAC** - The Washington Administrative Code (Example: WAC 296-24-567).

**WSP** - The Washington State Patrol.

### **106.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

### **106.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

### **106.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander, who will consider the recommendations and forward them to the command staff as appropriate.

## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Issaquah Police Department. There are four divisions in the Police Department as follows:

- Administrative Division
- Administrative Services Division
- Support Services Division
- Patrol Division

### 200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief of Police whose primary responsibility is to provide general management direction and control for the Administration division. The Administration Division consists of the Office of the Chief of Police, Administrative Services, Training, and Accreditation.

### 200.2.2 PATROL DIVISION

The Patrol Division is commanded by a Commander whose primary responsibility is to provide general management direction and control for that Division. The Patrol Division consists of Uniformed Patrol, Special Operations and Traffic.

### 200.2.3 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by a Commander whose primary responsibility is to provide general management direction and control for the Support Services Division. The Support Services Division consists of the Issaquah City Jail, Property Unit, and Records Unit .

### 200.2.4 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by a Commander whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of the Communication Center, Administrative Sergeant, Detective Division, SRO, CRO, and GIS Analyst.

## 200.3 ADMINISTRATIVE ANNUAL REVIEWS

The Commanders will conduct an annual review of department's Use of Force, Pursuits, Internal Investigations (IA Logs), and Racial or Biased Based Policing. The Chief of Police will conduct a final review of the reports and approve.

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### **200.4 COMMAND PROTOCOL**

#### **200.4.1 ORDERS**

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers.

Elected officials have a policy role in the community but any order issued to line staff by an elected official should be immediately referred to a Supervisor for action. The Chief of Police should be notified of any Elected Official attempting to order staff action.

#### **200.4.2 CONFLICTING ORDERS**

If an employee receives an order that conflicts with a previous order the employee will advise the supervisor who issued the second order of the conflict. If neither supervisor can be readily advised the employee will carry out the most recent order, and advise a supervisor of the conflict as soon as practical.

Responsibility for countermanding the original order rests with the supervisor who issued the second order.

If an employee receives what they believe to be an unlawful order, the employee will immediately advise the issuing supervisor of this belief and ask for the supervisor's commander to resolve the issue.

#### **200.4.3 UNITY OF COMMAND**

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Critical Incidents, SOT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

#### **200.4.4 SUCCESSION OF COMMAND**

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Commander to serve as the acting Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- a. Support Services Commander
- b. Administrative Services Commander
- c. Patrol Commander
- d. Administrative Sergeant



# Fiscal Management

## 201.1 PURPOSE AND SCOPE

The Chief of Police has the authority and responsibility for the fiscal management, direction and control of the operations and administration of the Police Department pursuant to the Washington State Constitution, Article II, Subsection 11 and the Issaquah Municipal Code 2.08.070.

The Chief of Police exercises direct responsibility for fiscal management of the Police Department's budget and its resources. The Chief may also delegate fiscal management authority as he deems necessary.

### 201.1.1 BUDGET PREPARATION

The Chief has ultimate responsibility for the budgetary process that includes the annual budget and the annual Capital Improvement Plan submittals. However, he may assign budget development or a portion thereof, Commanders, or other Department members who may have responsibility for specific programs. The Department's budgetary process encourages written recommendations based upon operational activity and analysis, and invites participation by all members.

## 201.2 ACCOUNTING SYSTEM STATUS REPORTS

Accounting status reports, including internal expenditure reports are accessed from the City of Issaquah Finance Department's central accounting system. Command staff members have the ability to access and review expenditures status as needed, but at least monthly. Accounting status reports provide the monthly status on the following:

- (a) Initial amount appropriated for each line item;
- (b) Balance of each line item at commencement of the monthly period;
- (c) Expenditures and encumbrances made during the period; and
- (d) Unencumbered balances.

### 201.2.1 INDEPENDENT AUDITS

All departmental budgets of the City of Issaquah, including the Police, are audited together on a yearly basis by representatives of the Washington State Auditor's Office. The City Finance Department maintains copies of all auditor reports. The City Finance Department also conducts audits, regular checks, and monitors Police Department fiscal activities. These audits include the Police Department's fiscal practices.

## 201.3 PURCHASING AND EXPENDITURES

Purchases and expenditures by members of the Issaquah Police Department will be made pursuant to the provisions of:

- (a) Department Policy;
- (b) Department Annual Budget;

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- (c) Issaquah Administrative Manual (Commitment Authority 302-01);
- (d) Issaquah Municipal Code; and
- (e) Washington State Laws.

Division Commanders are authorized to approve routine budgeted expenditures.

Financial statements and internal audits of purchases made are the responsibility of the Finance Department.

#### **201.3.1 EMERGENCY PURCHASES AND EXPENDITURES**

The Chief of Police may authorize the purchase or rental of equipment when needed during emergency conditions pursuant to the guidelines of the Issaquah Municipal Code, and pursuant to the Issaquah Administrative Manual's Commitment Authority policy (IAM #302-01).

The Chief of Police may request of the Mayor and City Council that periodic budget transfers be made or additional funds be appropriated due to unforeseen emergencies such as newly obtained grant opportunities, equipment failures or equipment replacement.

#### **201.4 CASH FUNDS - ACCOUNT MANAGEMENT**

All cash funds and accounts within the Police Department where personnel receive, maintain, or disburse cash, or will become City funds, will be handled in accordance with City Policies. All such cash funds and accounts will include:

- (a) A system, such as a ledger or balance sheet that identifies initial balance, cash received, cash disbursed, and the balance on hand;
- (b) Receipts or documentation for cash received;
- (c) Authorization for cash disbursement from the appropriate Division Commander or higher; and
- (d) Maintenance of records, documentation, and/or invoice requirements for cash expenditures.

##### **201.4.1 PETTY CASH FUND**

The Issaquah Police Department Petty Cash Fund is a special fund created by ordinance for the payment of incidental expenses incurred by the Police Department. The Chief of Police shall be responsible for the administration and accounting of the Petty Cash Fund. The Chief of Police or his/her designee must authorize any petty cash disbursements in excess of the amount approved for Petty Cash by ordinance. (See IMC 3.28.010).

##### **201.4.2 DRUG ENFORCEMENT FUND**

All moneys from the sale of property seized during drug investigations and forfeited pursuant to RCW 69.50.505 shall be deposited into the Drug Enforcement Fund pursuant to IMC 3.30.010. The Administrative Services Commander is responsible for the proper handling and collection of these funds.

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#### **201.4.3 LAW ENFORCEMENT FUND**

All moneys and proceeds from the sale of property seized during drug investigations and forfeited pursuant to RCW 69.50.505 which are not deposited in the Drug Enforcement Fund shall be deposited in the Law Enforcement Fund pursuant to IMC 3.30.020. The Administrative Services Commander is responsible for the proper handling and collection of these funds.

#### **201.4.4 INMATE HEALTH AND WELFARE FUND**

All monies and proceeds from the sales of commissary items, inmate telephone commissions and any inmate imposed booking fees shall be deposited in the Inmate Health and Welfare Account pursuant to IMC 3.78. The Support Service Commander and Jail Manager are responsible for the proper handling and collection of these funds.

#### **201.5 DEPARTMENT CHARGES AND FEES**

The Department collects money from the public or contracting governmental agencies for fees or services. Members of the public requesting copies of reports, fingerprinting services, firing range rental, and issuance of Concealed Pistol Licenses are required to pay the City for such services.

The Administrative Office Manager and staff are responsible for the handling, and collection of these fees. In addition, they monitor fee collection and expenditure requests for vendor services such as the penalty fees for the false alarm ord. The Police Department shall issue receipts for these charges and account to the City Finance Department for revenues obtained. (See IMC 3.60.010)

Money received will be documented and delivered to the Finance Department. All effort shall be made to deliver monies to the Finance Department each business day excluding weekends, holidays and City office closures.

##### **201.5.1 JAIL SERVICES FEES**

It is the responsibility of the Jail Manager to assure proper handling and collection of fees for jail services such as self paid commitments and electronic home detention. The jail staff shall issue receipts for these charges and account to the City Finance Department for revenues obtained.

The Jail Manager is responsible for the monthly billing of agencies that contract to use our jail facility or communications services.

#### **201.6 BAIL MONEY**

All bail money that is received by the Issaquah Police Department staff shall be safeguarded in the Department's secure moneybox in the jail. When bail is accepted receipts are completed for the money accepted.

Records staff will complete a transmittal sheet and deliver the money to the finance department. The Finance Department will then write a check to the Court of Jurisdiction following receipt of the money.

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### **201.7 FINANCE AUDITS**

The City of Issaquah Finance Department will conduct periodic internal audit, at least quarterly, of cash activities, to include internal cash handling audits and preparation of financial statements as needed.

# Police Building Security

## 202.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the appropriate police building security procedures, duties and responsibilities to ensure the safety of all employee of the Issaquah Police Department. The safety of employees of the Issaquah Police Department is paramount; therefore, all building security measures will be strictly enforced. Security of the Issaquah Police Department is each employee's responsibility. Access cards and keys provide controlled entry to the Department and to certain areas within them. The Department is controlled by locked doors at all times and entry is only made with a key or access card.

The Issaquah Police Department recognizes that in emergency situations, such as a natural disaster, inmate evacuation, or emergency repairs to the police or jail facility that this policy will be modified and/or suspended by Order of the Police Chief or designee.

## 202.2 POLICY

### 202.2.1 EMPLOYEES

- (a) All employees of the Issaquah Police Department are required to use a Johnson Control access card to enter the building where the Johnson Control system is utilized.
- (b) Employees shall not enter into areas of the police department where they are not authorized.
- (c) Employees shall ensure that Criminal Justice Information and confidential material is not in view to unauthorized people within the Department. When employees leave their computer it must be locked. When employees leave their desk or work station Criminal Justice Information must be out of view or secured.

### 202.2.2 VISITORS

- (a) Visitors who enter the Issaquah Police Department must be issued the appropriate Identification Badge. The badge shall be worn on the outermost clothing of the visitor
- (b) During normal business hours, visitors must be processed through the front counter/records area or Jail when they arrive and leave the building. Employees who enter the building with an accompanying visitor must present the visitor to the front counter/records area or Jail for processing prior to entry. No visitor shall be inside the Issaquah Police Department without an Identification Badge.
- (c) After normal business hours, weekends, holidays - visitors must be processed at the door leading into Records or the Jail where they must sign in and be issued the appropriate Identification Badge. This includes vendors working on the 911 Communication Center or in the Jail.
- (d) Vendors making deliveries in the Jail Sallyport are not required to sign in or be issued a badge.

## *Police Building Security*

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(e) Visitors, who are visiting the Jail, should be screened and sign in/out and given a badge by the Jail staff.

### 202.2.3 EMPLOYEE RESPONSIBILITIES

(a) Employees shall not "prop open" any door, disengage or damage any locking or security mechanisms, or by any means bypass the locking or security mechanisms on any door for the purpose of circumventing the security arrangements of police facility.

(b) Employees are expected to question individuals without proper identification inside the police facility.

(c) Employees should not loan their access cards or keys to any other person for any reason.

(d) Employees shall coordinate with the department's TAC and obtain approval from the TAC before granting unescorted status to contractors or vendors, such as the Police Chaplains, 911 Center Vendors, or the Jail Nursing staff. For all other CJIS cleared city employees or vendors, the TAC will provide an updated CJIS list at each sign in location and the 911 Center to assist employees in verifying and screening them before granting unescorted access to the police facility or Jail.

(e) Employees are encourage to use discretion in having juveniles and children wear Identification Badges as long as they are escorted inside the facility. In addition, employees can use discretion when signing in members of their family as long as the total number of visitors is documented in the Visitor's Log, the employee they are visiting is documented, their visitation is approved by a supervisor, and they are escorted. Friends of employees must follow the visitor sign in policy.

(f) Employees are encourage to use discretion in having vendors sign in and receive a visitors badge for those making quick deliveries inside the police facility as long as they are escorted (e.g., Staples, UPS).

(g) Employees shall not allow juveniles, such as status offenders, to be unescorted or unsupervised at any time while in the secured part of the police facility.

### 202.2.4 RECORDS AND JAIL STAFF RESPONSIBILITIES

Records and Jail staff will have the following responsibilities:

(a) Records and Jail staff will maintain a Visitor Log. All visitors will sign in stating the purpose of their visit, the name of the employee they will be visiting, and the time of arrival. Visitors will log out upon completing their visit.

(b) Determine that the person is authorized to enter the police facility or Jail.

c) An Identification Badge must be issued for entry/security purposes. A visitor will be categorized under three distinct badge types (1) City Employee CJIS (CE CJIS - Green) (2) Law Enforcement Officer (LE - Blue) (3) Visitor (V- Yellow)

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### *Police Building Security*

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After normal business hours, weekends, holidays - visitors must be processed at the door leading into Records or the Jail where they must sign in and be issued the appropriate Identification Badge as indicated above. This includes vendors working on the 911 Communication Center or in the Jail.

#### 202.2.5 VISITOR TYPES

**1. City Employees/Vendors CJIS (CE CJIS):** City employees and Vendors who have been CJIS cleared and issued security access with a Johnson Control key card as authorized by the Issaquah Police Department are exempt from the requirement to be escorted at all times. Examples of City employees who are eligible for this exemption are employees from the Executive's Office, IT, Facilities, and Human Resources. These employees will be required to sign the Visitor Log and must wear a CE CJIS Identification Badge.

Facilities staff, Issaquah Police Department's Chaplains and Police Resiliency Coordinator, IT Staff, and Jail Nurse, who are CJIS cleared, working within the police facility are exempt from signing in and wearing an Identification Badge.

**2. Law Enforcement Officer (LE):** Law enforcement officers will sign the Visitor Log at the front counter/reception area before entering the police department. Law enforcement officers in uniform or tactical gear are not required to wear an Identification Badge. Law enforcement officers in plain clothes will be required to wear an LE Identification Badge on their outermost garment. Law enforcement officers will not require an escort.

**3. Visitor (V):** All other visitors must receive supervisor approval before entering the police department. Visitors will be issued and required to wear the "V" type of Identification Badge on their outermost garment, sign the Visitor Log, and must be escorted at all times by an employee. Example of visitors include, but not limited to the media, friends or family, vendors, City of Issaquah (non-CJIS cleared), government employees, and employee applicants.

Media members must receive Command Staff approval to enter the police facility.

For law enforcement purposes only, employees may need to keep a visitor's identity projected and/or the visitor is a juvenile. In these incidents, the employee will sign the visitor in using a case number and the total number of people visiting.

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# Special Order

## 205.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Labor Agreements. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

### 205.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of the Chief of Police. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 10-01 signifies the first Special Order for the year 2010.

## 205.2 RESPONSIBILITIES

### 205.2.1 STAFF

The staff shall review and acknowledge understanding of any approved revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

### 205.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

### 205.2.3 RECOMMENDATIONS

Any member of the department may submit a recommendation for a Special Order via the chain of command.



# Emergency Management Plan

## 207.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan Manual for use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The City Emergency Management Plan is written in accordance with the State of Washington's comprehensive emergency management plan and program, and has been approved for local use (RCW 38.52.070). This plan provides guidance for City emergency operations within and outside its borders.

### 207.1.1 ISSAQUAH CODES

An emergency management organization has been established by the City of Issaquah. This ordinance has been approved by the City Council (WAC 118-30-050).

## 207.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated in a number of ways. For the Issaquah Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Management Plan in response to a major emergency.

### 207.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Issaquah Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to respond to an order to report for duty may result in discipline.

## 207.3 LOCATION OF EMERGENCY MANAGEMENT PLAN

The manual for the employees is available in the Communications Center. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

The Support Services Commander or the authorized designee shall ensure that all copies of the Emergency Management Plan manual are kept current and available to all personnel. The Support Services Commander should ensure that all supervisors receive periodic training on the Emergency Management Plan.

## 207.4 BUILDING EVACUATION PLAN

In the event of a disaster or emergency which requires evacuation of the Police / Jail building, all employees shall follow the department's Evacuation Plan and posted exit strategies. The

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posted exit strategies shall include any special directions for physically impaired employees (WAC 296.24.567).

#### **207.4.1 EMERGENCY OPERATIONS MANUAL**

The City of Issaquah has developed an Emergency Operations Manual that will include the Emergency Management Plan and the City of Issaquah Evacuation Standard Operating Procedures for all City buildings. Employees should become familiar with the Police Department building evacuation routes and plans for the police facility, including the Jail Evacuation Plan.

Additionally, evacuation routes and plans are posted in the police facility for easy access to employees.

#### **207.5 UPDATING OF MANUALS**

The Support Services Commander or the authorized designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) (WAC 118-30-060(7)).

#### **207.6 TRAINING**

The Department should provide annual training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and the roles police personnel will play when the plan is implemented. The Department should participate in any City EOC training that may or may not include a full or partial exercise, tabletop or command staff discussion.

# Training Policy

## 209.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 209.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the Washington Criminal Justice Training Commission (CJTC).

## 209.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of department personnel.

## 209.4 TRAINING PLAN

A training plan for all employees will be developed and maintained by the Division Commander. It is the responsibility of the Division Commander to maintain, review, and update the training plan on an annual basis. The plan will ensure, at minimum, the following:

- (a) All sworn members will successfully complete an annual in-service training program of no less than 24 hours that includes the training required by the CJTC (WAC 139-05-300).
  - 1. Successful completion of the CJTC's two-hour annual online crisis intervention course shall be included in the 24 hours (RCW 43.101.427).
- (b) All officers must complete a minimum of 40 hours of continuing de-escalation and mental health training every three years as provided in WAC 139-11-020 and WAC 139-11-060.
  - 1. This training may substitute the annual 24 hours in-service requirement under WAC 139-05-300 in the year the officer completes the 40-hour violence de-escalation training.
- (c) All sworn members will successfully complete an annual in-service training program on the department use of force and deadly force policies.
- (d) All sworn members will successfully complete in-service training on less-than-lethal weapons every two years.

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- (e) Full-time supervisors or managers will receive appropriate training and certification required by CJTC.
- (f) All sworn members will successfully complete the National Incident Management System (NIMS) introductory training course.
- (g) Members who will serve as school resource officers will receive training for school resource officers (RCW 28A.320.124).
- (h) Any request for exemption, waiver, extension, or variance from any requirement of CJTC training must be made under WAC 139-03-030 and corresponding information be made available to the public in accordance with the Records Maintenance and Release Policy (WAC 139-11-030).

### **209.4.1 TRAINING MANAGERS APPOINTED**

The Chief of Police shall designate Training Managers for the department. The Training Managers consist of the Administrative Services, Support Services, and Patrol Commanders. The Training Managers are responsible to coordinate and/or approve all department training. All requests to attend training should receive approval by the appropriate Division Commander.

### **209.5 TRAINING NEEDS ASSESSMENT**

The Training Managers or designee will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the Chief of Police. Upon approval by the Chief of Police, the needs assessment will form the basis for training for the fiscal year.

### **209.6 TRAINING DOCUMENTATION**

Detailed records shall be kept of all in-service training sponsored by or presented on behalf of the Issaquah Police Department. Records should minimally include the following:

- An overview of the course content and/or an instructor lesson plan.
- Names and agency contact information of all attendees.
- Instructor credentials or resume.
- Individual attendee test results (if applicable).
- Course completion roster.

#### **209.6.1 TRAINING RECORDS**

Any training received by personnel will be maintained in training records. Training records will be updated following participation in any training program by personnel. The Training Managers or designee is responsible for maintaining the training records.

#### **209.6.2 STAFF RESPONSIBILITY**

Any staff member assigned to training or who attend training as part of the Cities educational incentive program is required to submit a certificate of completion and/or a course outline to the Division Training Manager within two weeks of completion of the training course.

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The certificate of completion or course outline must identify the training attended, the date(s) attended and the number of hours completed.

### **209.7 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to:
  - 1. Court appearances
  - 2. First choice vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation.
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible, but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Division Commander to attend an alternate date.

### **209.8 DAILY TRAINING BULLETINS**

The Department recognizes the importance of all staff staying well educated and informed with regard to the Issaquah Police Policy Manual. In an effort to encourage continuing education and awareness with regard to the Policy Manual, we have implemented Daily Training Bulletins.

Daily Training Bulletins (DTB) are a brief training question, statement or scenario relating to polices within the manual. These bulletins are issued and available to all staff electronically every day through the Department computer system. All staff will access and answer all DTB's each month. Employees have until the 20th day of the trailing month to complete all of the prior month's DTB.

DTB's are considered mandatory training and must be completed. Failure to complete DTB's in the prescribed time frame can result in disciplinary action.

Employees are not held accountable for the DTB's until training on accessing and answering the DTB's has occurred.

#### **209.8.1 SUPERVISOR RESPONSIBILITY**

All Supervisors are responsible to track and verify that their assigned staff has completed all DTB's each month and completed them within the desired time frame.

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Supervisor's may expend the completion deadline for an employee who is absent for an expended period of time.

Only the Chief of Police or the Training Managers can excuse an employee from completing DTB's as required. In such cases, the Training Manager will complete a memo to the Chief of Police articulating the reasons for the exception and provide copies of the memo to the employee and the employee's supervisor.

# Electronic Communication

## 213.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Departments electronic communications system including but not limited to the e-mail system, instant messaging system and texting by employees of this department. Electronic communications tools such as E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., Washington Public Disclosure Act). Communications transmitted over the e-mail, instant messaging or text systems must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

## 213.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are the property of the department. The Department reserves the right to access, audit or disclose, for any lawful reason, any message, including any attachment, that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternative method to communicate the message should be used. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

## 213.3 PROHIBITED USE OF ELECTRONIC COMMUNICATIONS

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail, instant message or texting systems will not be tolerated and may result in discipline.

Electronic messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password by others.

### *Electronic Communication*

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#### **213.4 MANAGEMENT OF ELECTRONIC COMMUNICATIONS**

Because the e-mail, text and instant message systems are not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be automatically deleted at regular intervals from the server computer according to a schedule set up by the City's Information Technology Department.

E-mail, text and instant messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions or transactions. E-mail messages should be managed by their category in compliance with the current [Records Management Guidelines and General Records Retention Schedules](#) (Schedule Number L08 "Electronic Mail"). The Local Government General Records Retention Schedule (LGGRRS) is the controlling schedule for records retention and management ([RCW](#) Chapter 40.14).



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# Administrative Communications

## 215.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

## 215.2 PERSONNEL ORDERS

Personnel Order may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### 215.2.1 PERSONNEL ORDERS FORMAT

The numbering of Personnel Orders will consist of the last two digits of the calendar year, followed by a sequential number for each order issued that year. Personnel Orders will be prepared on pink paper in the format indicated below:

TO:

FROM:

PERSONNEL ORDER: (Year/Number)

TOPIC:

DATE:

Personnel Orders should be disseminated by e-mail to employees and posted on the department bulletin board.

## 215.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on department letterhead. All department letterhead shall bear the signature element of the writer. Personnel should use department letterhead only for official business and with approval of their supervisor.

## 215.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or designee.

## Staffing Levels

### **217.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

### **217.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. The Patrol Commander will ensure that at least one field supervisor is deployed during each shift.

Minimum staffing for all agency divisions should follow any level identified in a bargaining unit agreement and/or any level set by the Chief of Police.

#### **217.2.1 SUPERVISION DEPLOYMENTS**

In order to accommodate approved leave, training and other unforeseen circumstances, an Acting Corporal may be used as a field supervisor in place of a shift Sergeant or Corporal.

# Concealed Pistol License

## 219.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory responsibility to issue, monitor, and revoke a license to carry a concealed pistol to residents within the community (RCW 9.41.070). This policy will provide a written process for the application, issuance, and revocation of such licenses.

## 219.2 APPLICATION PROCESS

Applications will be accepted during regular business hours per RCW. Fingerprinting hours for original applicants are to be set by the Support Services Commander.

The fingerprint process shall be as follows:

The nonrefundable fee for the original 5 year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of this license.

The nonrefundable fee for the renewal of such license, or the replacement of lost or damaged licenses is required of the licensee. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of this license.

Payment method to be determined by City Finance Department in conjunction with Support Services Commander.

## 219.3 APPLICATION PROCESS AND RENEWAL

The Chief of Police has 30 days after the filing of an application of any person to issue a license to carry a concealed pistol. If the applicant does not have a valid permanent Washington driver license or identification card or has not been a resident of the state for the previous consecutive 90 days, the Chief of Police has 60 days to issue a license. The Chief of Police must accept completed applications for concealed pistol licenses during regular business hours (RCW 9.41.070).

The Chief of Police is required to check with the National Instant Criminal Background Check System, the Washington State Patrol (WSP) electronic database, the Department of Social and Health Services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or RCW 9.41.045, or is prohibited under federal law to possess a firearm and therefore ineligible for a concealed pistol license. This check applies for a new concealed pistol license or to renew a concealed pistol license.

A background check for an original license shall be conducted through the WSP Criminal Identification Section and shall include a national check from the Federal Bureau of Investigation through the submission of fingerprints. The applicant may request and receive a copy of the results of the background check from the Chief of Police (RCW 9.41.070).

### *Concealed Pistol License*

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The license application shall bear the full name, residential address, telephone number and/or email address at the option of the applicant, date and place of birth, race, gender, physical description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the Department of Social and Health Services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

If the applicant is not a United States citizen, the applicant must provide his/her country of citizenship, United States-issued alien number or admission number, and the basis for any exemptions from federal prohibitions on firearm possession by aliens. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.173 and provide proof of compliance (RCW 9.41.070).

The application for an original license shall include a complete set of fingerprints to be forwarded to the WSP (RCW 9.41.070(4)).

#### 219.3.1 REQUIRED WARNINGS

The license and application shall contain a warning substantially as follows:

"CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution."

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law (RCW 9.41.070). The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen.

#### 219.3.2 DOCUMENTATION AND FEES

The Chief of Police shall deliver the original license to the licensee, within seven days send the duplicate to the Director of Licensing, and shall preserve the triplicate or other form prescribed by the Department of Licensing for six years after the license has expired, been voided or revoked, or as otherwise provided in the department's established records retention schedule (RCW 9.41.070(4)).

The nonrefundable fee for the original five-year license must be paid upon application. Additional charges imposed by the Federal Bureau of Investigation are payable by the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

## *Concealed Pistol License*

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A nonrefundable fee for the renewal of such license, or the replacement of lost or damaged licenses is required of the licensee. No other branch or unit of government may impose any additional charges on the licensee for the renewal of the license.

Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the Chief of Police.

### **219.4 LICENSE RENEWAL**

A licensee may renew a license if the licensee applies for renewal within 90 days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty in addition to the renewal fee (RCW 9.41.070(9)).

An active-duty member of the armed forces who is unable to renew his/her license within the prescribed time period because of assignment, reassignment, or deployment for out-of-state military service may renew his/her license by the department-established mail renewal procedures or within 90 days after returning to Washington state. Verification for this concealed pistol license renewal exception is subject to the requirements of RCW 9.41.070.

### **219.5 TEMPORARY EMERGENCY LICENSE**

The Chief of Police may issue a temporary emergency license for good cause to an applicant who resides within his/her jurisdiction pending review. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. The Chief of Police shall assure temporary emergency licenses are easily distinguishable from regular licenses (RCW 9.41.070).

### **219.6 REVOCATION OF LICENSES**

The Chief of Police shall revoke any license issued pursuant to this policy immediately upon (RCW 9.41.075(1)):

- (a) Discovery that the person was ineligible under RCW 9.41.070 for a concealed pistol license when applying for the license or license renewal.
- (b) Conviction of the licensee of an offense, or commitment of the licensee for mental health treatment, that makes a person ineligible under RCW 9.41.040 to possess a firearm.
- (c) Conviction of the licensee for a third violation of RCW Chapter 9.41 within five calendar years.
- (d) An order that the licensee forfeit a firearm under RCW 9.41.098(1)(d).
- (e) Upon notification from the Department of Licensing that the licensee has lost his/her right to possess a firearm as identified in RCW 9.41.047.

## *Concealed Pistol License*

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### **219.6.1 INELIGIBILITY**

Upon discovering a person issued a concealed pistol license was ineligible for the license, the Chief of Police shall contact the Department of Licensing to determine whether the person purchased a pistol while in possession of the license. If the person did purchase a pistol while in possession of the concealed pistol license, and if the person may not lawfully possess a pistol without a concealed pistol license, the Chief of Police shall require the person to present satisfactory evidence of having lawfully transferred ownership of the pistol. The Chief of Police shall require the person to produce the evidence within fifteen days of the revocation of the license (RCW 9.41.075(2)).

### **219.6.2 FIREARM FORFEITURE**

When a licensee is ordered to forfeit a firearm under RCW 9.41.098(1)(d), the Chief of Police shall (RCW 9.41.075(3)):

- (a) On the first forfeiture, revoke the license for one year.
- (b) On the second forfeiture, revoke the license for two years.
- (c) On the third or subsequent forfeiture, revoke the license for five years.

Any person whose license is revoked as a result of a forfeiture of a firearm under RCW 9.41.098(1)(d) may not reapply for a new license until the end of the revocation period.

The Chief of Police shall notify the Department of Licensing in writing of the revocation of a license.

### **219.7 RECIPROCITY**

The Chief of Police will recognize the validity of a concealed pistol license issued from another state if the laws of that state recognize and give effect to a concealed pistol license issued under the laws of the State of Washington (RCW 9.41.073). A nonresident so licensed is authorized to carry a concealed pistol in this state if:

- (a) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age, and
- (b) The licensing state requires mandatory fingerprint-based background checks of criminal and mental health history for all persons who apply for a concealed pistol license, and
- (c) The Chief of Police will honor such a license only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

### **219.8 RESIDENCY**

The Chief of Police may issue a license to an applicant if the applicant resides within this City. The Chief of Police may issue a license to nonresident of the state in accordance with these procedures and state law.

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### *Concealed Pistol License*

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#### **219.9 CONFIDENTIAL RECORDS**

Mental health information received by the Chief of Police pursuant to RCW 9.41.047, RCW 9.41.070, RCW 9.41.090 or RCW 9.41.173 is exempt from disclosure except as provided in RCW 42.56.240 (RCW 9.41.097). Disclosure of information otherwise obtained in the licensing process shall be limited as defined by RCW 42.56.240.

#### **219.10 SUSPENSION OF LICENSES**

The Chief of Police shall suspend any license issued pursuant to this policy immediately upon notice from the Department of Licensing that the person has been detained under RCW 71.05.150 or RCW 71.05.153 on the grounds that the person presents a likelihood of serious harm due to a mental disorder or substance use disorder (RCW 9.41.049).

The license shall remain suspended for a period of six months from the date the person was released from the 72-hour detention or upon notice from the Department of Licensing of a restoration order (RCW 71.05.182; RCW 9.41.047(3)(f)).

## Retiree Concealed Firearms

### 221.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Issaquah Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

### 221.2 POLICY

It is the policy of the Issaquah Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

### 221.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 221.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as a an officer.

If the Issaquah Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

#### 221.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement



## *Retiree Concealed Firearms*

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by Washington law or by a private person or entity on his/her property if such prohibition is permitted by Washington law.

### **221.4 WASHINGTON IDENTIFICATION CARD**

The Chief of Police may issue an identification card to a retired officer of this department for the purposes of carrying a concealed weapon within the State of Washington under RCW 9.41.060 who:

- (a) Has retired from this department.
- (b) Did not retire because of a mental or stress-related disability.
- (c) Has not been convicted or found not guilty by reason of insanity of a crime making him/her ineligible for a concealed pistol license.

If issued, the identification card must document all of the above qualifications (RCW 9.41.060).

Any retired person receiving such an identification card shall abide by all of the other requirements of this policy that are applicable to a LEOSA identification card.

### **221.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Shift Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

#### **221.5.1 RESPONSIBILITIES UNDER LEOSA**

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.

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- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

#### **221.6 FIREARM QUALIFICATIONS**

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

If provided, the qualification shall include the firearms course and certificate developed by the Washington Association of Sheriffs and Police Chiefs (RCW 36.28A.090).

## **Chapter 3 - General Operations**

# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 300.1.2 DEFINITIONS

**Passive resistant:** In some confrontational contacts the subjects may offer a preliminary level of non-compliance. The subject's resistance is primarily passive, with the subject offering no physical or mechanical enhancement toward the enforcement effort, other than sheer unresponsiveness. Examples include but are not limited to, ignoring commands, not moving, and using body weight.

**Actively resistant:** The subject's resistance has become more active in scope and intensity. The indifference to physical control has increased to enhanced physical or mechanical defiance. The subject has directed his/her physical strength and energy in achieving and/or maintaining a posture of resistance. Examples include, but are not limited to, pulling or pushing away, tensing muscles, or running away.

**Great bodily harm:** Great bodily harm as described in RCW 9A.04.110, is injury which creates a probability of death or which causes significant, permanent loss or impairment of the function of any bodily part or organs.

**Dangerous felonies:** An officer may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Examples include murder, rape, armed robbery, kidnapping, assault with a deadly weapon and arson or bombing of a structure that is actually occupied.

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#### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

##### **300.2.1 DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use all means reasonably necessary to effect an arrest if, after notice of the intention to arrest the person, he/she either flees or forcibly resists (RCW 10.31.050).

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity of weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) Seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the officer.
- (k) Potential for injury to officers, suspects, and others.
- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

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- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **300.3.4 USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Issaquah Police Department for this specific purpose.

### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:
  - 1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
  - 2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

##### **300.5.1 NOTIFICATION TO SUPERVISORS**

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the TASER (TM) device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

##### **300.5.2 NOTIFICATION TO INDIAN AFFAIRS**

When the use of force by an officer results in the death of a person who is an enrolled member of a federally recognized Indian tribe, notification shall be made to the Governor's Office of Indian Affairs within a reasonable period of time, but not more than 24 hours after the department has good reason to believe the person was an enrolled member. Notice shall include sufficient information for the Governor's Office of Indian Affairs to attempt to identify the deceased person and tribal affiliation (Chapter 4 § 6, Laws of 2019).

#### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or



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medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### **300.7 SUPERVISOR RESPONSIBILITIES**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  - 1. The content of the interview should not be summarized or included in any related criminal charges.
  - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
  - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

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- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT SERGEANT RESPONSIBILITY**

The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

Officers will receive annual training on this policy and demonstrate their knowledge and understanding.

#### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Patrol Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

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# Use of Force Review Boards

## 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Issaquah Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

## 302.2 POLICY

The Issaquah Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

## 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

## 302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Patrol Commander will convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Patrol Commander of any incidents requiring board review. The involved employee's supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

### 302.4.1 COMPOSITION OF THE BOARD

The Chief of Police should select three Use of Force Review Board members from the following, as appropriate:

- Patrol Commander
- Support Services Commander

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- A sworn staff member, preferably a Department instructor for the type of weapon, device or technique used

The Commander who is not in the same division as the involved employee will serve as chairperson.

### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, a Medical Examiner's Inquest, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 306.2 POLICY

The Issaquah Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed Issaquah Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### 306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner available and reasonable under the circumstances, but in no case shall leg irons or waist chains be used. Handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure herself or others, or damage property (RCW 70.48.500).

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When the person is in labor no restraints of any kind shall be used. This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of the person (RCW 70.48.500).

#### **306.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

Members who are school resource officers should only use restraints on a student participating in school-sponsored instruction or activity when there is an imminent likelihood of serious harm and pursuant to the school policy for students and staff (RCW 28A.600.485).

#### **306.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

#### **306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **306.5 APPLICATION OF SPIT HOODS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

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Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with others and detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

#### **306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **306.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).



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### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

### 306.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

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#### **306.8.1 SCHOOL RESOURCE OFFICERS**

Members working as school resource officers shall prepare a report pursuant to RCW 28A.600.485 and provide a copy to the school administrator whenever a student is restrained in a room or other enclosure or restrained by handcuffs or other restraint devices during school-sponsored instructions or activities.

#### **306.9 TRAINING**

Subject to available resources, the Division Commander should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

# Control Devices and Techniques

## 308.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

## 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Issaquah Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

## 308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain, or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

## 308.4 RESPONSIBILITIES

### 308.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

### 308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

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#### **308.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Officer for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

#### **308.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. If wearing an external vest cover, personnel shall carry the baton in a vest pocket or in authorized holder on the vest. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

#### **308.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Special Operations Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

##### **308.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

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#### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **308.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **308.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **308.9 NOISE FLASH DIVERSIONARY DEVICES**

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Noise Flash Diversionary Devices, when used properly, are less likely to result in death or serious physical injury. Noise Flash Diversionary Devices are approved by the Department and can be used in an attempt to deescalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

##### **308.9.1 TRAINING REQUIRED FOR USE**

Personnel who have successfully completed an approved departmental training course shall be authorized to use noise flash diversionary devices. Officers deploying noise flash diversionary devices will complete a recertification course as required.

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### **308.9.2 DEPLOYMENT**

Generally, noise / flash diversionary devices may be considered whenever the use of a less-lethal diversion would facilitate entry, enable arrest and potentially reduce the risk of injury. The use of noise/flash diversionary devices requires an evaluation of the circumstances of the incident. They should only be used after a determination that lesser force may not be effective and that their use would likely enhance officer safety and increase the likelihood of the safe control of the suspect(s).

### **308.9.3 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT**

Listed are some examples of situations where deployment of the noise / flash diversionary device might be deployed.

- (a) Barricaded suspect and / or hostage situations.
- (b) High risk warrant services.
- (c) Circumstances wherein distraction of violent mentally deranged persons or those under the influence of alcohol / drugs is believed necessary in order to facilitate apprehension.
- (d) Situations wherein the authorizing person deems their use necessary to safely resolve the incident.

### **308.9.4 DEPLOYMENT CONSIDERATIONS**

Before deploying noise / flash diversionary devices, the officer should consider the following factors:

- (a) Potential presence of children and elderly / disabled persons;
- (b) Ability to deploy to an area visible to the deploying officer;
- (c) Potential presence of flammable or explosive materials; and
- (d) Access to portable fire extinguisher.

### **308.10 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

#### **308.10.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 308.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

### 308.10.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

#### **308.11 TRAINING FOR CONTROL DEVICES**

The Division Commander shall ensure that all personnel who are authorized to carry a control device have been properly trained, have demonstrated satisfactory skill and proficiency, are certified to carry the specific control device, and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **308.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.



# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER (TM) devices.

## 309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

## 309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training and have demonstrated satisfactory skill and proficiency may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carrying while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

## 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device may be deployed.

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the related report.

#### **309.5 USE OF THE TASER DEVICE**

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

##### **309.5.1 APPLICATION OF THE TASER DEVICE**

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

##### **309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

### 309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options, or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

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### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Taser. As soon as practicable, officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

### 309.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

## **309.6 DOCUMENTATION**

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

### 309.6.1 TASER DEVICE DOCUMENTATION

Items that shall be included in a case report when the TASER device is deployed are:

- (a) The type and brand of TASER device, TASER serial number and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser, or arc deterred a subject and gained compliance.
- (d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the TASER device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.

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- (l) Whether any officers sustained any injuries.
- (m) Identification of all personnel firing a Taser device.
- (n) Identifications of all witnesses.
- (o) Observations of the subject's physical and physiological actions.
- (p) Any known or suspected drug use, intoxication, or their medical conditions of the subject.
- (q) Detailed articulation of the reasons for deploying the Taser device.

The Patrol Commander should also conduct periodic audits of data downloads and reconcile TASER device report forms with recorded activations. Deployment of the Taser device will be part of the annual Use of Force analysis conducted by the two Commanders.

### **309.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

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### **309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Patrol Commander and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

### **309.9 TRAINING**

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training and demonstrating satisfactory skill and proficiency. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Division Commander. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff, supervisors, and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Division Commander is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Division Commander should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.

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- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

# Employee-Involved Shootings and Deaths

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer, or employee, -involved shooting or as a result of other action of an officer or employee.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

## 310.2 TYPES OF INVESTIGATIONS

Employee involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved employee's action.
- An administrative investigation as to policy compliance by involved employees
- A civil investigation to determine potential liability.

## 310.3 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of employee involved shootings and deaths. This may include at least one investigator from the agency that employs the involved employee.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved employee. The following scenarios outline the jurisdictional responsibilities for investigating employee involved shootings and deaths.

### 310.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Issaquah Police Department would control the investigation if the suspect's crime occurred in Issaquah.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

### 310.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.



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Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

#### 310.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved employee is controlled by the respective employing agency.

#### 310.3.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of employee involved shooting and death:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Employee(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>IPD Employee in This Jurisdiction</b>	IPD Investigators	Outside Agency w/ IPD Liaison	City of Issaquah	IPD
<b>Allied Agency's Employee in This Jurisdiction</b>	IPD Investigators	IPD Investigators	Involved Employee's Department	Involved Employee's Department
<b>IPD Employee in Another Jurisdiction</b>	Agency where incident occurred	Decision made by agency of jurisdiction	City of Issaquah	IPD

#### 310.3.5 OFFICER/DEPUTY USE OF FORCE INVESTIGATIONS

Where the use of deadly force by an officer results in death, substantial bodily harm, or great bodily harm, an investigation shall be completed by an independent investigative team that is independent of the department and meets the independent investigations criteria of the Criminal Justice Training Commission (RCW 10.114.011; WAC 139-12-020; WAC 139-12-030).

### 310.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an employee involved shooting or death.

#### 310.4.1 UNINVOLVED OFFICERS RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved IPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.

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- (f) Brief the supervisor upon arrival.

### 310.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved IPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any IPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Sergeant and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional IPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  - 1. Each involved IPD officer should be given an administrative order not to discuss the incident with other involved officers or IPD members pending further direction from a supervisor.
  - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

### 310.4.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Patrol Commander
- Officer-Involved Shooting rollout team
- Outside agency investigators (if appropriate)
- Administrative Commander supervisor
- Civil liability response team

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- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

### 310.4.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved IPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  - 2. Requests from involved non-IPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the department to each involved IPD officer. A licensed psychotherapist may also be provided to any other affected IPD members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) The department will consider communications between qualified peer counselors and involved officers to be privileged (RCW 5.60.060).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved IPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

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### **310.5 CRIMINAL INVESTIGATION**

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) IPD supervisors and Administrative Commander personnel should not participate directly in any voluntary interview of IPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

#### **310.5.1 REPORTS BY INVOLVED IPD OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this [department](#) shall retain the authority to require involved IPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved IPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved IPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### **310.5.2 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### **310.5.3 INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Section supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Patrol Commander.

#### **310.6 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved IPD officers to

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determine conformance with department policy. This investigation will be conducted under the supervision of the Administrative Commander and will be considered a confidential peace officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The Administrative Commander shall complete all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### **310.7 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

### **310.8 DEBRIEFING**

Following an employee involved shooting or death, the Issaquah Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

#### **310.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administration Patrol Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., communication specialist, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Administrative Commander personnel.

#### **310.8.2 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing

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should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

### **310.9 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Investigation Patrol Commander and Public Information Officer in the event of inquiries from the media.

No involved IPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Patrol Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

#### **310.9.1 PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

The general duties of the PIO shall include but are not necessarily limited to:

1. Assisting news personnel in covering news stories at the scene of incidents.
2. Being reasonably available for on-call responses to the new media.
3. Preparing and distributing agency news releases.
4. Arranging for and assisting at news conferences.
5. Coordinating and authorizing the release of information about victims, witnesses, and suspects.

#### **310.9.2 RELEASE OF INFORMATION**

1. The PIO will compile the information that will be released to the media.
2. Prior to the release of information the PIO shall consult with the IPD Command Staff, the designated investigative Commander, and lead investigator to ensure that the information to be released will not compromise investigative efforts.
3. Information that is normally releasable about the specific incident should include the following:
  - a. The fact that an incident has occurred and the general nature of the event.
  - b. Where the PIO can be contacted.
  - c. Number and the type of officer resources used/assigned, unless it will hinder the investigation.
  - d. The Medical Aid or the Medical Examiner has been called or is on-scene.
  - e. Any major highway or road blockages.
  - f. Evacuations of any number.
4. Information normally releasable about the suspects should include the following:



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- a. The suspect's age, gender, and city of residence.
  - b. General details of the alleged offense.
  - c. Circumstances surrounding the arrest.
5. Information not normally releasable to the media shall include the following:
- a. Suspect's name if not charged.
  - b. Information which may allow a suspect to avoid arrest or tamper with evidence.
  - c. Admissions, confessions, or contents of any statement or alibi relating to a suspect.
  - d. Results of investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory examinations.
  - e. Opinions about victims, witnesses, suspects or the strength of the case or any evidence to be used.
  - f. The home address or home telephone number of any investigative team member.
  - g. The names of deceased persons, until released by the Medical Examiner.
  - h. The names of juveniles, whether victims, witnesses, or suspects.
  - i. Prior arrests that did not result in convictions.
  - j. Any information that may reveal the identity of a victim of sexual assault.
6. The names of victims and witnesses will not be released to the media. Any information released pertaining to victims and witnesses will be confined to age and gender. Any exception to this directive must be approved by the designated investigative Commander.
7. The release of suspect photographs shall be in compliance with current RCW's and WAC's governing release of such information.
8. The release of immediate, on-scene, information of involved employees will be confined to the employee's age, gender, rank, tenure, and assignment.

### 310.9.3 MEDIA ACCOMMODATION

1. Perimeter units shall endeavor to accommodate the media by establishing appropriate media staging areas. Such accommodation shall not interfere with investigative operations or endanger media members.
2. Members of the media should be greeted as time permits. They should be informed of the following:
  - a. That a briefing will be provided.
  - b. When and where the briefing will be.
  - c. Location and type of any responsibilities foreseeable hazards or dangers to them.

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3. Participating agencies should not interfere with photography as long as the photographer is where he/she has a right to be and neither the photographer nor their equipment interferes with the investigation.

# Firearms

## 312.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training. This policy only applies to those members who are authorized to carry firearms.

This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force or Employee Applied Force Investigations policies.

Members of the Issaquah Police Department, both fully commissioned and limited commissioned, have the legal authority to carry and use weapons in the performance of their duties.

## 312.2 POLICY

The Issaquah Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

## 312.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or designee.

All other weapons not provided by the Department may not be carried by members in the performance of their official duties without the express written authorization of the member's Patrol Commander including but not limited to:

- (a) Edged weapons.
- (b) Chemical or electronic weapons.
- (c) Impact weapons.
- (d) Any weapon prohibited, or restricted by law, or that is not covered elsewhere by Department policy.

This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

### 312.3.1 HANDGUNS

The authorized department-issued handguns are the Glock G17 9mm, Glock G21 .45 acp, and Glock G30.45 acp.

### 312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870. All department shotguns are set up for deploying less than lethal ammunition and marked with orange stocks and forearms. Except

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as noted, a shotgun without orange markings is deployed in the Special Operations Team as a breaching tool.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

### 312.3.3 RIFLE PATROL READY

Any qualified officer carrying a patrol rifle in the field should maintain the weapon in a "patrol ready" condition until deployed. A rifle is considered in a "patrol ready" condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

### 312.3.4 RIFLE STORAGE

When carried in the patrol vehicle, patrol rifles will be stored in the provided rifle rack or in the trunk. At the end of the assigned officer's shift, the patrol rifle will be returned to its issued case and secured in the department.

### 312.3.5 PATROL RIFLES

The authorized department issued patrol rifle is a .223 calibre or 5.56 mm AR-15 style of approved manufacture by Rangemaster.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

### 312.3.6 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.

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- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### 312.3.7 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

#### 312.3.8 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

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1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
  - (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
  - (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
  - (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
  - (e) The member will successfully qualify with the firearm prior to it being carried.
  - (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
  - (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
  - (h) Members shall only carry department-authorized ammunition.
  - (i) When armed, officers shall carry their badges and Department identification cards under circumstances requiring possession of such identification.

#### 312.3.9 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### 312.4 EQUIPMENT

Firearms carried on or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

##### 312.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor and Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved

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and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

### **312.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

### **312.4.3 TACTICAL LIGHTS**

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only point a firearm mounted tactical light when the member would otherwise be justified in pointing a firearm at the target.

### **312.4.4 OPTICS**

Optics may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

## **312.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

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- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 312.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department owned and personally owned firearms may be safely stored in personal lockers at the end of the shift. Department-owned firearms not issued to a member shall be stored in the armory storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building.

#### 312.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

#### 312.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

#### 312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training semi-annually with their duty firearms. In addition to semi-annual training, all members will qualify at



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least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

At least annually, all members carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

#### **312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards and qualify for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their two shooting attempts shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

#### **312.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Employee-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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#### **312.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Taser device, oleoresin capicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

#### **312.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

#### **312.7.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

### **312.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster or designee. All members attending will follow the directions of the Rangemaster or designee. The Rangemaster or designee will maintain a roster of all members attending the range and will submit the roster to the Patrol Commander after each range date. Failure of any officer to sign in and out with the Rangemaster or designee may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster or designee has the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Rangemaster or designee has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected and approved by the Rangemaster or designee.

The Rangemaster or designee has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Patrol Commander documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should

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keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Patrol Commander.

### **312.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects (RCW 43.101.226(3)).

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the pursued vehicle.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

#### 314.1.2 ATTEMPTING TO ELUDE

Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

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### **314.2 OFFICER RESPONSIBILITIES**

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by RCW 46.61.035 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

#### **314.2.1 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention of involvement in a serious felony crime where immediate apprehension is essential to protect the public from the person fleeing in a vehicle, or when the initial driving observed poses an imminent risk of death or serious bodily injury to the public. .

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.

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- (l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) or civilian rider in the police vehicle.

### 314.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in Policy Manual § 314.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s) coupled with an obvious action by the pursuing officer(s) such as stopping completely or turning in a different direction.

In addition to the factors listed in Policy Manual § 314.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Pursuits of violators for misdemeanors are prohibited and any attempt to pursue shall be immediately terminated.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) It is known that the operator of the fleeing vehicle is a juvenile.
- (h) Directed by a supervisor or designee.

### 314.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

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- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

### **314.3 PURSUIT UNITS**

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

#### **314.3.1 MOTORCYCLE OFFICERS**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

#### **314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those officers should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by RCW 46.61.035 do not apply to officers using vehicles without emergency equipment.

#### **314.3.3 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify the Communications Center that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.



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- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

The officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit unless relieved by a supervisor or when practical circumstances indicate otherwise. Whenever possible, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

### 314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

### 314.3.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect(s).

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- (d) Notifying the Washington State Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

### **314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

### **314.3.7 PURSUIT TRAILING**

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

### **314.3.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance from King County Sheriff's Office or Washington State Patrol should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

## **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

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The Shift Sergeant or designee of the officer initiating the pursuit, or if unavailable, the nearest sworn supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Control and manage IPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

### **314.4.1 SHIFT SERGEANT RESPONSIBILITY**

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant or designee should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Supervisor or Designee has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

The Shift Supervisor or designee shall review all pertinent reports for content and forward them to the Patrol Commander.

## **314.5 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should switch radio communications, whenever available, to an emergency channel most accessible by participating agencies and units.

### **314.5.1 COMMUNICATION CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, the Communications Center will:

- (a) Coordinate pursuit communications of the involved units and personnel.

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- (b) Notify and coordinate with other involved or affected agencies as practical.
- (c) Ensure that a Shift Sergeant or designee is notified of the pursuit.
- (d) Assign an incident number and log all pursuit activities.
- (e) Broadcast pursuit updates as well as other pertinent information as necessary.

### 314.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### 314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

#### 314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Issaquah Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and WSP units, a request for WSP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the WSP should relinquish control.

#### 314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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Before an IPD officer joins into a pursuit initiated by an outside agency and entering our jurisdiction, the pursuit must meet the IPD criteria as defined in Policy 314.2.1. If the criteria is not clearly met, IPD officers shall not join into the outside agency pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

As soon as practical, the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor, after consideration of the above factors and IPD criteria as stated in Policy 314.2.1, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **314.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Immobilization Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical. (Refer to Policy 315)

##### **314.7.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision. Any application of the PIT must conform to Policy 315.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

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### 314.7.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 314.7.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
  - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
  - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
  - 4. The target vehicle is stopped or traveling at a low speed.
  - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process

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before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
  3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

### 314.7.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor the primary officer should coordinate efforts to apprehend the suspect(s) following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

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### **314.8 REPORTING REQUIREMENTS**

The following reports should be completed:

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer shall complete a arrest/crime report to be reviewed by the Shift Supervisor or designee, which shall minimally contain the following information.
  - 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
  - 2. The violation(s) that caused the pursuit to be initiated.
  - 3. The identity of the officers involved in the pursuit.
  - 4. The means or methods used to stop the suspect being pursued.
  - 5. The charges filed with the court.
  - 6. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration.
    - (b) Mileage.
    - (c) Number of officers involved.
    - (d) Maximum number of units involved.
    - (e) Time of day.
    - (f) Weather conditions.
    - (g) Maximum speeds.
  - 7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
  - 8. Whether the pursuit involved multiple agencies.
  - 9. How the pursuit was terminated.
- (c) After first obtaining available information, a field supervisor shall review the submitted report to assure it minimally contain the following information:
  - (a) Date and time of pursuit.
  - (b) Length of pursuit.
  - (c) Involved units and officers.
  - (d) Initial reason for pursuit.
  - (e) Starting and termination points.



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- (f) Disposition: arrest, citation, etc. Arrestee information should be provided if applicable.
  - (g) Injuries and/or property damage.
  - (h) Medical treatment.
  - (i) Name of supervisor at scene.
  - (j) A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy.
  - (k) Forward the report to the Chief of Police via the chain of command.
- (d) The Chief of Police will direct the Patrol Commander to determine what lessons learned or training may come from the pursuit.

#### 314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial CJTC training and supplementary training on pursuits, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times.

#### 314.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

# Pursuit Immobilization Technique

## 315.1 PURPOSE AND SCOPE

The Pursuit Immobilization Technique (PIT) is a method used to reduce the risk in bringing pursuits to a conclusion. This technique has been defined as "a forced rotational vehicle stop of a non-compliant suspect." It is a controlled and trained technique.

This policy will provide guidelines under which PIT is deployed by department personnel.

### 315.1.1 TRAINING REQUIRED

Officers are not authorized to execute a PIT maneuver until they have successfully attended and completed an authorized PIT training program.

## 315.2 PIT USE RESTRICTED

Officers may utilize the PIT maneuver only under the following conditions:

- (a) In conjunction with the requirements of the IPD's current pursuit policy
- (b) When using a patrol vehicle equipped with a PIT bumper.
- (c) When other methods have been tried or considered and have been judged to be ineffective,
- (d) When not securing the persons immediate arrest the immediate would result in an unacceptable risk to public safety; and
- (e) With supervisor approval.

### 315.2.1 APPLICATIONS TO AVOID

Officers will not attempt to perform a PIT maneuver on the following vehicles:

- (a) Motorcycles,
- (b) Buses,
- (c) Large trucks; and
- (d) SUV's or similar type vehicle with a high center of gravity.

## 315.3 SITE ASSESSMENT REQUIRED

Site selection is critical to the proper and safe implementation of the PIT maneuver. Prior to implementing the PIT maneuver, officers should consider the following factors:

- (a) Never initiate the PIT maneuver in a blind curve.
- (b) Be aware of abutments: bridges, guardrails, and jersey barriers.
- (c) Oncoming traffic, both pedestrian and vehicles.
- (d) Major obstacles on roadside, such as deep ditches, sign posts, utility posts, and traffic islands and c-curbing.

# Officer Response to Calls

## 316.1 PURPOSE AND SCOPE

This policy provides guidelines for the safe and appropriate response to calls for service and to identify the manner in which the officer is authorized to proceed to the call. The response code classification will apply to both officer-initiated and dispatched calls.

Even when used properly, emergency lights and sirens can invoke an unexpected reaction among pedestrians and motorists. Because of this, Officers should utilize emergency devices only when necessary and under prescribed conditions and circumstances that will minimize the risk of collisions to the officers and the public.

### Definition-Response Code Classifications:

- (a) **CODE 1:** Routine response. Life, bodily injury or property is not threatened. Emergency lights and siren are not used. Response should not exceed the posted speed limit or fail to follow traffic control devices.
- (b) **CODE 2:** Critical response. Information received appears to show that bodily injury and/or substantial property may be threatened. Emergency lights and/or siren may be used when necessary to expedite travel, in a safe and reasonable manner, based on conditions. Lights are mandatory and siren may be used intermittently when not violating the rules of the road. If the officer, due to updated information or direction from the Supervisor changes the response to CODE 1 or CODE 3, the officer will notify communications.
- (c) **CODE 3:** Emergency response. Information received appears to indicate that life and/or property is threatened. Lights and siren are mandatory, unless circumstances are such that the use of the siren would endanger the public or responding officers.

## 316.2 RESPONSE TO CALLS

Upon receiving a call for service, officers will provide the following information:

- Location the officer is responding from.
- Announce response type if responding code 2 or 3.

The Communications Specialists will inform the officers(s) of information received from the initial call. The responding officer, based on the nature of the call or prior knowledge relevant to the particular call for service will determine the type of response necessary. Normally, only one unit should respond to a routine call for service. Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws. Two units are authorized to respond to Code 2 and Code 3 situations, unless the Sergeant or designee authorizes or terminates additional units

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Any call that is not dispatched or initiated as Code 2 or Code 3 response is a routine call. Officers not authorized to respond Code 2 or Code 3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

- (a) Code 2 may be initiated when information indicated that bodily injury and/or property may be threatened. Examples of Code 2 responses may include the following types of incidents:
  - 1. Disturbances;
  - 2. Panic / Duress / Hold up alarms;
  - 3. In progress Felony or misdemeanor crimes in accordance to Code 2 definition;
  - 4. Incidents involving physical force;
  - 5. An on-scene officer requests Code Two response; or
  - 6. When authorized by a Sergeant or designee.
  
- (b) Code 3 may be initiated when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. Officers responding "Code 3" shall consider the call an emergency response and proceed quickly and safely. Examples of Code 3 responses may include the following types of incidents:
  - 1. When the incident involves imminent potential for serious injury or death;
  - 2. In order to prevent or halt a crime of violence;
  - 3. When a serious public hazard exists;
  - 4. When there is a likelihood of apprehending a felony suspect who is on scene;
  - 5. A confirmed serious injury collision;
  - 6. Officer requests emergency assistance; or
  - 7. When authorized by a Sergeant or designee.

Responding with emergency light(s) and siren does not relieve the officer of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the RCW.

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, no more than two units should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Sergeant or designee will make a determination as to whether more officers driving Code-3 is appropriate

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#### **316.3 REQUESTING EMERGENCY ASSISTANCE**

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the communication specialist.

#### **316.4 SAFETY CONSIDERATIONS**

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property (RCW 46.61.035):

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing parking, direction of movement or turning in specified directions.

#### **316.5 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Supervisor, or the communication specialist of the equipment failure so that another officer may be assigned to the emergency response.

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### **316.6 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code-2 or Code-3 response has been initiated, the Sergeant or designee shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practical.

The Sergeant or designee shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the Sergeant's or designee's judgment, the circumstances require additional units to be assigned a Code-2 or Code-3 response, the supervisor may do so.

It is the Sergeant's or designee's responsibility to terminate a Code-2 or Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-2 or Code-3 response, the Sergeant or the designee should consider the following:

- The type of call and facts known at the time of the incident.
- The necessity of a timely response.
- Traffic and roadway conditions.
- The location of the responding units.

# Domestic Violence

## 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

**Domestic violence** - Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one intimate partner by another intimate partner; or physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, sexual assault, or stalking of one family or household member by another family or household member (RCW 10.99.020; RCW 26.50.010).

## 320.2 POLICY

The Issaquah Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

## 320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

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- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
  - 1. Officers who have probable cause that a crime has been committed shall lawfully seize all firearms and ammunition that they reasonably believe were used or threatened to be used in the commission of the offense. Officers shall also seize all firearms in plain sight or discovered in a lawful search. Officers shall request consent to take temporary custody of any other firearms and ammunition that the alleged suspect may have access to (RCW 10.99.030).
  - 2. Officers shall separate the victim and inquire whether there are any firearms or ammunition in the home, whether the suspect has access to any firearms either on the premises or stored elsewhere, whether the suspect has a concealed pistol license, and whether a firearm has ever been used by the suspect under other circumstances that could be threatening or coercive (RCW 10.99.030).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.



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4. The potential financial or child custody consequences of arrest.
  5. The physical or emotional state of either party.
  6. Use of drugs or alcohol by either party.
  7. Denial that the abuse occurred where evidence indicates otherwise.
  8. A request by the victim not to arrest the suspect.
  9. Location of the incident (public/private).
  10. Speculation that the complainant may not follow through with the prosecution.
  11. The racial, cultural, social, professional position, or sexual orientation of the victim or suspect.
- (k) Unless doing so would jeopardize the criminal investigation, the victim should be apprised of investigative plans such as when the suspect or witnesses are going to be interviewed and any plans for making an arrest.

### 320.4.1 HOSPITALIZED VICTIM

When responding to a medical facility regarding an injured person, officers should make a reasonable attempt to determine whether the injury was a result of domestic violence prior to contacting the victim or person who reported the incident.

If domestic violence is suspected, contact should be made with the medical facility representatives out of the view and hearing of the victim and any potential suspects when practical.

### 320.4.2 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### 320.4.3 COURT ORDERS TO BE ENTERED INTO RECORDS MANAGEMENT SYSTEM AND ACCESS

All domestic violence related court orders within the Issaquah Police Department jurisdiction will be entered into ACCESS and the Records Management System to include involved parties. Involved parties will be flagged as having a court order in the Records Management System.

Copies of all domestic violence related court orders will be retained in the Issaquah Police Department Communications Center for ease of verification.

### 320.4.4 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:

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1. Voluntary separation of the parties.
  2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

### **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

#### **320.5.1 VICTIM'S RIGHTS**

In all cases when an officer responds to a domestic violence call, the officer shall advise the victim of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of his/her legal rights and available remedies. The notice shall include giving each person a copy of a pamphlet as required pursuant to RCW 10.99.030(7).

The Administrative Services Sergeant shall ensure that a current and accurate list of shelters and services is maintained and made available to patrol personnel, and that the pamphlet material:

- (a) Is accurate.
- (b) Contains current statutorily required information (RCW 10.99.030(7)).
- (c) Contains advice to the victim of his/her right to initiate a criminal action per RCW 10.99.030(6)(a).

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#### **320.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Communication Specialists are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that communication specialists check whether any of the involved persons are subject to the terms of a court order.

#### **320.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

##### **320.7.1 CANADIAN COURT ORDERS**

Any foreign court order properly issued in Canada shall be enforced by an officer as a foreign court order above. Any notice, if required, should be made in compliance with RCW 26.55.020.

#### **320.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms, and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

#### **320.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- (a) The primary duty of officers when responding to a domestic violence situation is to enforce the laws allegedly violated and to protect the complaining party (RCW 10.99.030(1)).

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- (b) When an officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, he/she shall make an arrest pursuant to the criteria in RCW 10.31.100 and RCW 10.99.030(2)(a).
- (c) When an officer has confirmed that a valid court order exists and has probable cause to believe the defendant has violated that order, the officer shall make a physical arrest (RCW 10.99.055; RCW 10.31.100(2)). Whenever a member of this department serves or assists in serving a court order and that service is completed, a return of service form shall be completed and submitted to the Washington Crime Information Center (WACIC).

### **320.10 INVESTIGATIONS RESPONSIBILITIES**

Domestic violence incidents will be forwarded to the Detective Division for review and further investigation, if needed. Detectives may re-contact the victim to ensure an understanding of any existing court orders, documentation of any injuries, and Domestic Violence Advocate information.

Detectives should pursue any court order and seizures of any firearms when warranted.

### **320.11 REPORTS AND RECORDS**

- (a) Officers responding to a domestic violence call shall take a complete offense report, including the disposition of the case (RCW 10.99.030(2)(b)).
  - 1. The report shall include all information about firearms and concealed pistol licenses and be properly coded to alert any officials reviewing the report to the existence of the information concerning firearms (RCW 10.99.030).
- (b) All such reports should be documented under the appropriate crime classification and should use the distinction "Domestic Violence" in the Type of Crime box of the crime report form (RCW 10.99.035).
- (c) Whenever there is probable cause to believe that a crime has been committed and unless the case is under active investigation, the Investigation Supervisor shall ensure that all domestic violence crime reports are forwarded to the County Prosecutor's Office within 10 days of the date the incident was reported (RCW 10.99.035).
- (d) The Records Supervisor shall ensure that accurate records of domestic violence incidents are maintained and submitted to the Washington Association of Sheriffs and Police Chiefs, in accordance with state law (RCW 10.99.035).
- (e) The Records Supervisor should ensure that the original receipt issued for any firearm, dangerous weapon, or pistol license surrendered after service of a protection order is filed with the court within 24 hours of service of the order and retain a copy of the receipt electronically if available (RCW 9.41.801).

### **320.12 COURT ORDERS**

The Communication Supervisor shall ensure that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order (RCW 10.99.040; RCW 10.99.050).

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### **320.13 SERVICE OF COURT ORDERS**

The officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall (RCW 9.41.801):

- (a) Advise the subject that the order is effective upon service.
- (b) Request that any firearms, dangerous weapons, and any concealed pistol license be immediately surrendered. Officers shall take possession of any firearms discovered in plain view, lawful search, or consent from the subject.
  - 1. If the subject indicates by word or action that he/she will not comply with a request to surrender firearms, dangerous weapons, or a concealed pistol license, consideration should be given to obtaining a search warrant for seizure.
- (c) Issue a receipt for any surrendered items.
  - 1. The officer should ensure the original receipt is forwarded to the Records Supervisor as soon as practicable for filing with the court.

All firearms and weapons collected shall be handled and booked in accordance with the Property and Evidence Policy.

### **320.14 ORDERS TO SHOW CAUSE**

When the Department receives notice from the court of an order to show cause regarding the surrender of weapons, the Investigation Section supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 9.41.801):

- (a) Fulfilling any additional service requirements for the order to show cause.
- (b) Providing the court a complete list of firearms and other dangerous weapons surrendered by the person pursuant to the court order that are in the possession of the Department.
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the court order and that the agency with authority to revoke the license has been notified.
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the court order is not in full compliance with the terms, including the basis for the belief.

# Search and Seizure

## 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Issaquah Police Department personnel to consider when dealing with search and seizure issues.

## 322.2 POLICY

It is the policy of the Issaquah Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

## 322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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### 322.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers and solicitors) would reasonably be permitted to go.

### 322.3.2 PLAIN VIEW

Because an individual does not have an expectation of privacy as to items that are in plain view, no search has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be.

An item in plain view may generally be seized when all of the following conditions exist:

- (a) It was viewed from a lawful location.
- (b) There is probable cause to believe that the item is linked to criminal activity.
- (c) The location of the item can be legally accessed.

It is important to note that the so-called "Nexus Rule" requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

### 322.3.3 EXIGENT CIRCUMSTANCES

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- (a) Imminent danger of injury or death.
- (b) Serious damage to property.
- (c) Imminent escape of a suspect.
- (d) The destruction of evidence.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not generally permitted.

### 322.3.4 CONSENT SEARCH

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent however is only valid if the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.
- Does not exceed the scope of the consent given.

Prior to conducting a consensual search officers shall inform all persons giving consent of the following, and shall describe such circumstances in the related report(s):

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- (a) The person may refuse to give consent if they so choose.
- (b) Once given, consent may be withdrawn at any point during the search.
- (c) The scope of the search may be limited.
- (d) Any evidence found during the search may be used against them or others in court.

Unless unusual circumstances would prevent the use of the Department's Consent to Search form, officers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it.

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied. A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

### 322.3.5 RESTRICTIONS ON CELL SITE SIMULATOR USE

A member may only install or use a pen register, trap and trace device or cell site simulator device with a supporting court order or when there is both coordination with a prosecuting attorney and joint determination of probable cause to believe an emergency situation exists that involves immediate danger of death or serious bodily injury to a person. A court order must be obtained within 48 hours after installation of the pen register, trap and trace device or cell site stimulator device when an emergency situation exists (RCW 9.73.260).

### 322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  - 1. Another officer or a supervisor should witness the search.



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2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### **322.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

# Temporary Custody of Juveniles

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Issaquah Police Department (34 USC § 11133).

## 324.2 POLICY

Juveniles may be taken into custody (RCW 13.40.040(1)):

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

### 324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

## 324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Issaquah Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Issaquah Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

### 324.3.1 DETENTION REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities

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- (b) Access to drinking water
- (c) Food, if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. All food given to a juvenile in custody should be provided from the jail food supply, if such is available
- (d) As soon as practicable after being taken to a place of temporary confinement, and except where physically impossible, advise and provide the juvenile an opportunity to make a reasonable number of phone calls to a parent, guardian, responsible relative, employer, or attorney. A reasonable number of phone calls is generally three.
- (e) Privacy during visits with family, guardian, or lawyer
- (f) Blankets and clothing necessary to assure the comfort of the juvenile shall be provided if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

### **324.3.2 NON-CONTACT REQUIREMENTS**

There shall be no contact, including visual or audible, between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained in the jail or any other secure holding area.

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed.
- (b) If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, an Issaquah Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner.
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
  - 1. Booking.
  - 2. Medical screening.
  - 3. Inmate worker presence while performing work necessary for the operation of the Issaquah Police Department such as meal service and janitorial service.
  - 4. Movement of persons in custody within the Issaquah Police Department.

### **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Issaquah Police Department when there is no other lawful and practicable alternative to temporary custody. Refer

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to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Issaquah Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; RCW 13.04.116(b)).

### 324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Issaquah Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

### 324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133; RCW 43.185C.260).

### 324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Issaquah Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (RCW 13.40.040(1)):

- (a) Pursuant to a court order.
- (b) Without a court order, by an officer if grounds exist for the arrest of an adult in identical circumstances.
- (c) When his/her parole has been suspended.

### 324.4.4 LIMITATIONS ON RELEASE OF JUVENILE OFFENDERS

Juveniles should be referred to the appropriate juvenile authority and not released to a parent or guardian when there is probable cause to believe the juvenile (RCW 13.40.040(2)):

- (a) Will likely fail to appear for further proceedings.
- (b) Needs protection from him/herself.
- (c) Is a threat to community safety.

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- (d) Will intimidate witnesses or otherwise unlawfully interfere with the administration of justice.
- (e) Has committed a crime while another case was pending.
- (f) Is a fugitive from justice.
- (g) Has had his/her parole suspended or modified.
- (h) Is a material witness.

### 324.4.5 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted pursuant to Policy 933.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Shift Supervisor shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Temporary Detention Room logs shall be kept and maintained in a file by the Jail Manager.

### 324.4.6 FORMAL BOOKING

No juvenile shall be formally booked without the authorization of the arresting officer's Shift Supervisor.

Any juvenile, 14-years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Shift Supervisor, Administrative Services Sergeant or designee, giving due consideration to the following:

- (a) The gravity of the offense.
- (b) The past record of the offender.
- (c) The age of the offender.

### 324.4.7 DISPOSITIONS

- (a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian.
  - 2. An adult member of his/her immediate family.

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3. An adult person specified by the parent/guardian.
  4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Shift Supervisor.
- (b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall or DSHS to accept custody.
- (c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
  2. If the arresting officer, the Shift Supervisor believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by filing charges with Juvenile Prosecutor. If a detective is assigned to the case, he/she will then determine the best course of action, then contact the parents and advise them of the course of action.
  3. The juvenile may be transferred to Juvenile Detention with authorization of the Shift Supervisor but only after telephone approval of a Juvenile Detention Intake Screener.
- (d) If a juvenile is to be transported to Juvenile Detention, the following forms shall accompany the juvenile:
1. Copies of all associated incident/crime reports.
  2. Any other forms as required by the Juvenile Detention Center.
  3. Any personal property taken from the juvenile at the time of detention.

### **324.4.8 VICTIMS OF SEXUAL EXPLOITATION**

An officer may take a juvenile into custody to investigate possible sexual exploitation when the officer reasonably believes the juvenile is attempting to engage in sexual conduct for money or anything of value (RCW 43.185C.260).

In these cases, the officer should transport the juvenile to an authorized evaluation and treatment facility in coordination with a community service provider (RCW 43.185C.260) (see the Child Abuse Policy for any mandatory notification requirements).

### **324.5 ADVISEMENTS**

When a juvenile offender is taken into custody, the officer should, as soon as practicable, notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody.

Juveniles taken into custody should be advised the reason for the custody (RCW 43.185C.265).

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### **324.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Issaquah Police Department.
- (c) Shift Sergeant notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

#### **324.6.1 RELEASE OF INFORMATION TO OTHER AGENCIES**

It shall be the responsibility of the Records Supervisor and Administrative Services Sergeant to ensure that personnel of those bureaus act within legal guidelines.

### **324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Issaquah Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **324.7.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Shift Supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

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In the event of a serious illness, suicide attempt, injury or death of a juvenile, the parent, guardian, or person standing in loco parentis, of the juvenile shall be notified as soon as possible.

#### 324.7.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Shift Sergeant or designee if he/she believes the juvenile may be a suicide risk. The Shift Supervisor will then arrange to contact a mental health team for evaluation, or to contact Juvenile Detention and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant personal supervision until the transfer is completed.

#### 324.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

- (a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) Is a serious and immediate danger to himself/herself or others.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant or designee.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Shift Supervisor shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.



## *Temporary Custody of Juveniles*

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### 324.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Issaquah Police Department shall ensure the following:

- (a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Issaquah Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Issaquah Police Department more than six hours.
- (b) Welfare checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).

## *Temporary Custody of Juveniles*

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- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

### **324.9 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

# Adult Abuse

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Issaquah Police Department members as required by law.

### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

## 326.2 POLICY

The Issaquah Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

## 326.3 MANDATORY NOTIFICATION

Members of the Issaquah Police Department shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The medical examiner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect or abandonment by another person (RCW 74.34.035).

For purposes of notification (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter or health care.
- Abuse is willful action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation or punishment as provided.
- A vulnerable adult is a person who is:
  - (a) 60 years or older who has the functional, mental or physical inability to care for himself/herself.
  - (b) Is found by the superior court to be incapacitated under RCW 11.88.005 et seq.
  - (c) Has a developmental disability as defined under RCW 71A.10.020.
  - (d) Is admitted to any facility as defined in RCW 74.34.020 (assisted living facility, nursing home or other facility licensed by DSHS).

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### *Adult Abuse*

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- (e) Is receiving services from an individual provider or licensed home health, hospice or home care agency.
- (f) Self-directs his/her own care and receives services from a personal aide under RCW 74.39.001 et seq.

#### **326.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
  - 1. The name and address of the person making the report.
  - 2. The name and address of the vulnerable adult.
  - 3. The name and address of the facility or agency providing care for the vulnerable adult.
  - 4. The name and address of the legal guardian or alternate decision maker.
  - 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 6. Any history of previous abandonment, abuse, financial exploitation, neglect or self-neglect.
  - 7. The identity of the alleged perpetrator, if known.
  - 8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect or the cause of death of the deceased vulnerable adult.

#### **326.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

## *Adult Abuse*

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### **326.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the City prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

### **326.6 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the DSHS authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger

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the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to DSHS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer should make an attempt to obtain a protective order against the person alleged to have committed or threatened such abuse pursuant to RCW 74.34.110; RCW 74.34.210; or other applicable statutes.

### **326.7 INTERVIEWS**

#### **326.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

#### **326.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

### **326.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal

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custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **326.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **326.9.1 SUPERVISOR RESPONSIBILITIES**

The Administrative Services Sergeant should:

- (a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Administrative Services Sergeant that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

##### **326.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Administrative Services Sergeant so an interagency response can begin.

#### **326.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

##### **326.10.1 RECORDS SECTION RESPONSIBILITIES**

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to DSHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

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#### **326.10.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

#### **326.10.3 ARREST WITHOUT WARRANT**

When an officer has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.50.110).

#### **326.11 TRAINING**

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.



# **Discriminatory Harassment**

## **328.1 PURPOSE AND SCOPE**

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

## **328.2 POLICY**

The Issaquah Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## **328.3 DISCRIMINATION PROHIBITED**

### **328.3.1 DISCRIMINATION**

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination free work environment.

### **328.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### **328.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

### **328.3.4 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

## **328.4 RESPONSIBILITIES**

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police or Human Resources.

All employees are also subject to the provisions of City of Issaquah Personnel Policies which addresses work place harassment.

## *Discriminatory Harassment*

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Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

### 328.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

### 328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

### *Discriminatory Harassment*

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#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

##### **328.5.1 SUPERVISORY RESOLUTION**

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **328.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The Chief of Police may ask an outside agency to conduct the administrative investigation and/or any criminal investigation relating to harassment.

An employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police or Human Resources.

##### **328.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### *Discriminatory Harassment*

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#### **328.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **328.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be documented on forms and in a manner designated by the Chief of Police. All reports shall be:

- Approved by the Chief of Police.
- Maintained for a period described by the state records retention schedule.

#### **328.8 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive periodic training on the requirements of this policy and/or the Issaquah Personnel Policies regarding antiharassment, discrimination, and retaliation. Members shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

##### **328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Members with questions regarding discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources, or they may contact the Washington State Human Rights Commission at 800-233-3247.

# Child Abuse

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Issaquah Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

## 330.2 POLICY

The Issaquah Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

Members of the Issaquah Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, or injury inflicted by any person under circumstances that cause harm to the child's health, welfare or safety, excluding lawful discipline, or the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, when possible, should include (RCW 26.44.040):
  - 1. The name, address and age of the child.
  - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  - 3. The nature and extent of the alleged injury or injuries.
  - 4. The nature and extent of the alleged neglect.
  - 5. The nature and extent of the alleged sexual abuse.
  - 6. Any evidence of previous injuries, including the nature and extent of the injury.
  - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- (d) The Department shall forward all case dispositions to CPS.

### **330.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.).

### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

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- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Applicable local protocol regarding child abuse investigations (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.



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Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

### **330.6.1 SAFE HAVEN LAW**

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

## **330.7 INTERVIEWS**

### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

### **330.7.3 TRAINING REQUIREMENT**

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims

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of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

#### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Section Supervisor should:

- (a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Section Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

##### **330.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Section Supervisor so an interagency response can begin.

#### **330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

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#### 330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (Chapter 82 § 3, 2019 Laws).

#### 330.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

#### 330.10.3 CASE SUBMISSION TO PROSECUTOR

The Issaquah Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.
- (c) A child has been subjected to alleged sexual abuse.

#### 330.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

#### 330.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Administrative Services Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

#### 330.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

#### 330.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Executive Assistance shall ensure that the Department of Social and Health Services poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

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### **330.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

# Missing Persons

## 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - This includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1. Missing under unexplained, involuntary or suspicious circumstances and is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or it is believed that the person is unable to return to safety without assistance.
  - 2. Out of the zone of safety for his/her chronological age and developmental stage.
  - 3. Mentally or behaviorally disabled.
  - 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 6. In a life-threatening situation.
  - 7. In the company of others who could endanger his/her welfare.
  - 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and the Washington Crime Information Center (WACIC).

## 332.2 POLICY

The Issaquah Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Issaquah Police Department gives missing person cases priority over

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property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

#### **332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigation Section supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (RCW 43.43.876)
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

#### **332.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

#### **332.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  1. Immediately, when the missing person is at risk.

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
1. A photograph and fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (RCW 80.36.570).
1. Information may only be sought from a carrier in an emergency situation that involves the risk of death or serious physical harm.
  2. Members shall check NCIC and other available databases for a history of domestic violence or court order restricting contact and verify through the Washington State Patrol (WSP) that the missing person is not participating in the address confidentiality program under RCW 40.24.030 et seq. Information obtained from NCIC, other databases, or WSP shall not be released except by court order.
  3. Information received from a carrier is restricted and should only be released to first responders responding to the emergency situation.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) Consider contacting the WSP Missing and Exploited Children's Task Force (MECTF) if additional resources are needed (RCW 13.60.110).

### **332.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **332.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not be limited to:

- (a) Reviewing and approving missing person reports upon receipt.

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1. The reports should be promptly sent to the Records Section.
  - (b) Ensuring resources are deployed as appropriate.
  - (c) Initiating a command post as needed.
  - (d) Ensuring applicable notifications and public alerts are made and documented.
  - (e) Ensuring that records have been entered into the appropriate missing persons networks.
  - (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### **332.6.2 RECORDS SECTION RESPONSIBILITIES**

The responsibilities of the Records Section receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigation Section.
- (e) Coordinating with the NCIC Terminal Contractor for Washington to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **332.7 INVESTIGATION SECTION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  1. The notice shall be in writing and should also include a photograph.
  2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information, if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.



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- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update WACIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the WSP Missing and Unidentified Persons Unit (MUPU) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

### **332.7.1 MISSING OVER 30 DAYS OR WHEN CRIMINAL ACTIVITY SUSPECTED**

When a person reported missing has not been found within 30 days of the report or at any time when criminal activity is suspected, the handling detective shall contact the county coroner or medical examiner to determine if that office has any information concerning the missing person. If, after conferring with the coroner or medical examiner, the person is still determined to be missing, the handling officers shall:

- (a) File a missing person's report with MUPU.
- (b) Initiate the collection of biological samples from the known missing person and his/her family members for nuclear and mitochondrial DNA testing along with the necessary consent forms, if not previously obtained during the investigation.
- (c) Ask the missing person's family or next of kin to give written consent to request the person's dental records.
  - 1. Whenever possible, obtain diagnostic quality copies or original records of the missing person's dental records. As soon as possible, biological samples shall be submitted to the appropriate lab; dental records shall be submitted to MUPU (RCW 43.43.751; RCW 68.50.320).

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In all missing person cases, the assigned detective should attempt contact with the reporting party no less than every 30 days in order to verify the status of the reported missing person. After 12 months, contact with the reporting party should be attempted yearly. All verifications should be reported to WSP via A Central Computerized Enforcement Service System (ACCESS).

#### **332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The assigned detective should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to MUPU.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to MUPU.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **332.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **332.9 CASE CLOSURE**

The Investigation Section Supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Issaquah or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the Issaquah Police Department should notify their supervisor, shift supervisor, or the Administrative Services Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the on-call Administrator and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of Police through the chain of command.

### 334.4 WASHINGTON STATEWIDE AMBER ALERT™ PLAN

The AMBER Alert™ Plan is a voluntary partnership between law enforcement, state government agencies, broadcasters and other participants to rapidly disseminate information to enhance the public's ability to assist in recovering abducted children (RCW 13.60.010).

The Issaquah Police Department participates in this partnership and may initiate an AMBER Alert to disseminate information to the public when the criteria for an AMBER Alert are met.

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### 334.4.1 ALERT CRITERIA

The following criteria must exist prior to requesting an AMBER Alert:

- (a) The child is under 18 years of age and is known to have been abducted. The child is not a runaway or a throw-away child.
- (b) The abducted child is believed to be in danger of death or serious bodily injury.
- (c) The AMBER Alert activation should occur within four hours of the qualifying event unless circumstances or the timeliness of the information warrant otherwise.
- (d) There must be enough descriptive information to believe that an AMBER Alert activation will assist in the recovery of the child, including:
  - 1. Where the abduction took place.
  - 2. A physical description of the child: height, weight, age, hair color and length, eye color, clothing worn when the child was last seen, and any distinguishing physical characteristics.
  - 3. A physical description of the abductor: height, weight, age, hair color and length, eye color, clothing worn when the suspect last seen, and any distinguishing physical characteristics.
  - 4. Place last seen.
  - 5. Description of the vehicle: color, make, model, license number, approximate year.
- (e) The incident must be reported to and investigated by a law enforcement agency.

### 334.4.2 PROCEDURE

Should the Shift Supervisor determine that the incident meets the criteria of the Washington Statewide AMBER Alert Plan, the Shift Supervisor should direct Dispatch staff to contact the Washington State Patrol (WSP) to initiate activation of the AMBER Alert.

### 334.4.3 INITIAL NOTIFICATIONS

Upon initiation of an AMBER Alert, the Shift Supervisor shall:

- (a) Ensure prompt entry of information into the Washington Crime Information Center (WACIC) and National Crime Information Center (NCIC) databases.
- (b) Promptly notify the on-call Administrator of any AMBER Alert activation.
- (c) Ensure the preparation of an initial press release that includes all the information required by the Washington Statewide AMBER Alert Plan, and any other available information that might aid in locating the child, such as:
  - 1. A photograph.

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2. Detail regarding location of incident, direction of travel, potential destinations, etc., if known.
3. Name and telephone number of the Public Information Officer or other authorized point of contact to handle media and law enforcement liaison.
4. A telephone number and point of contact for the public to call with leads or information.

#### 334.4.4 POST-INCIDENT REPORTING

The Chief of Police or designee shall be responsible for submitting the AMBER Alert Report to the Washington State Police Chiefs (WASPC) in a timely fashion. The Chief of Police or the authorized designee shall be responsible for representing the Department during the AMBER Alert Review Committee's after-action review of the alert.

#### 334.5 ENDANGERED MISSING PERSON ADVISORY

The Endangered Missing Person Advisory is a voluntary partnership between law enforcement, other government agencies and local broadcasters to rapidly disseminate information to law enforcement agencies, the media and the public about a missing and endangered person in circumstances that do not qualify for an AMBER Alert (RCW 13.60.050).

The Issaquah Police Department participates in this partnership and may initiate the required notifications whenever a person is reported missing from this jurisdiction and meets the criteria of an Endangered Missing Person. An endangered missing person advisory may be termed a "silver alert" when initiated to assist in the recovery of a missing endangered person age 60 or older.

##### 334.5.1 ADVISORY CRITERIA

All of the following criteria must exist prior to initiating an Endangered Missing Person Advisory:

- (a) The person is missing under unexplained, involuntary or suspicious circumstances.
- (b) The person has a developmental disability, is a vulnerable adult or is believed to be in danger because of age, health, mental or physical disability, in combination with environmental or weather conditions, or is believed to be unable to return to safety without assistance. This also includes a person diagnosed as having Alzheimer's disease or other age-related dementia (RCW 13.60.010).
- (c) There is enough information that could assist the public in the safe recovery of the missing person (e.g., photo or description, clothing worn when last seen, vehicle, location last seen).
- (d) The incident has been reported to and investigated by a law enforcement agency.

##### 334.5.2 COMMUNICATIONS CENTER BROADCASTS

Issaquah Police Dispatch will broadcast any received Amber alerts upon receipt.

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Any Amber alerts originating within the Puget Sound region of Washington, or reported to be in route to, or passing through this region of the State will be rebroadcast. The AMBER information will be rebroadcast as follows:

- 4 times an hour for the first 2 hours, reducing to 2 times an hour for the next 4 hours;
- Once an hour until cancelled by the initiating law enforcement agency; or
- At the discretion of the Command Staff if longer than 24 hours.

#### **334.5.3 PROCEDURE**

Should the Shift Supervisor determine that the incident meets the criteria of an Endangered Missing Person Advisory, the Shift Supervisor should:

- (a) Direct Communication Center personnel to prepare the Endangered Missing Person Advisory administrative message through ACCESS. The words "Endangered Missing Person Advisory" should be included in the title of the message.
- (b) Contact the WSP Missing Persons Unit (MPU) to verify that it received the advisory.
- (c) Direct Communications Center personnel to enter the information into the WACIC and NCIC databases using the proper message key: Missing (MNP), Endangered (EME), or Involuntary (EMI).
- (d) Advise the Communications Center and assure staffing in order to handle a high volume of telephone calls.
- (e) Ensure that the handling officer attempts to obtain a photograph of the missing person and/or suspect as soon as possible.
- (f) Direct the Communications Center personnel to enter the photograph into WACIC and NCIC, then send an e-mail to the WSP MPU.
- (g) Appoint a Public Information Officer to handle the media.
  1. The Public Information Officer should notify the media through appropriate channels regarding the Endangered Person Advisory. Upon request, the WSP MPU can provide electronic posters with details of the missing person.
  2. If the Endangered Missing Person is 21 years of age or younger, NCMEC should be notified as soon as practicable.
- (h) The Communications Center personnel should promptly cancel the advisory after an Endangered Missing Person is located by sending an administrative message through ACCESS, noting that the person has been found.

#### **334.6 BLUE ALERTS**

The Blue Alert system is a voluntary cooperation between law enforcement, state government agencies and local broadcasters to enhance the public's ability to assist in locating and

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apprehending persons suspected of killing or seriously injuring a law enforcement officer (RCW 10.108.030).

The Issaquah Police Department participates in this partnership and may initiate a Blue Alert to disseminate information to the public when the criteria for a Blue Alert are met.

#### **334.6.1 CRITERIA**

All of the following criteria are required to exist prior to initiating a Blue Alert (RCW 10.108.030):

- (a) The suspect has not been apprehended.
- (b) The suspect poses a serious threat to the public.
- (c) Sufficient information is available to disseminate to the public to assist in locating and apprehending the suspect.
- (d) The release of the information will not compromise the investigation.
- (e) The release of the information will not improperly notify an officer's next of kin.

#### **334.6.2 PROCEDURE**

Should the Shift Supervisor determine that the incident meets the criteria of a Blue Alert, the Shift Supervisor should:

- (a) Direct Dispatch to prepare a Blue Alert administrative message through ACCESS. The words, "Blue Alert Advisory" should be included in the title of the message.
- (b) Contact WSP Communications to verify that the advisory was received and, if available, provide the suspect's vehicle information and request the Washington Department of Transportation (WSDOT) to activate variable message signs.
- (c) Ensure that descriptive information about the suspect, the suspect's whereabouts and the suspect's method of escape is disseminated.
- (d) Appoint a Public Information Officer to issue press releases and handle media inquiries.
  - 1. The Public Information Officer should be updated continually and be in constant contact with all media outlets to obtain maximum media exposure, provide updates and cancel the Blue Alert when appropriate.
- (e) Advise the Communications Center of the Blue Alert and ensure that it is prepared to handle a high volume of telephone calls.
- (f) Ensure that a press release is issued cancelling the Blue Alert.

#### **334.7 OTHER RESOURCE CONSIDERATIONS**

The Shift Sergeant or supervisor should consider the following resources, as appropriate:

- (a) Local allied law enforcement agency resources



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- (b) FBI local office
- (c) The National Center for Missing and Exploited Children (NCMEC)
  - 1. Monitor the Cyber Tipline® link and post missing children alerts
- (d) The National Oceanic Atmospheric Administration (NOAA)
  - 1. Will relay AMBER Alerts over Weather Radio

# Victim Witness Assistance

## 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 336.2 POLICY

The Issaquah Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Issaquah Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 336.3 CRIME VICTIM LIAISON

The Administrative Support Sergeant or designee shall serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Issaquah Police Department regarding benefits from crime victim resources.

The Administrative Sergeant should assure the victim has received a Crime Victim Rights pamphlet (RCW 7.69.030(1)) or advise them of where they can locate these rights and contact information for the King County Prosecutor's Victim Assistance Program.

The Administrative Services Sergeant shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The crime victim liaison should:

- (a) Ensure that the Department affords victims and witnesses their appropriate rights (RCW 7.69.030; RCW 7.69B.020; RCW 70.125.110).
- (b) Ensure that child victims and witnesses are provided appropriate services and rights (RCW 7.69A.030).
- (c) Coordinate with the County Prosecutor's Office to ensure that all other required notifications are provided to victims and witnesses.

## 336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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### **336.4.1 RIGHT OF IMMEDIATE MEDICAL ASSISTANCE**

Victims have the right to immediate medical assistance and should not be detained for an unreasonable length of time before having such assistance administered. The officer may accompany the victim to a medical facility to question the victim about the criminal incident if the questioning does not hinder the administration of medical assistance (RCW 7.69.030).

### **336.5 VICTIM INFORMATION**

The Administration Patrol Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; RCW 70.125.110).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime.
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A written statement enumerating the rights of victims (RCW 7.69.030; RCW 7.69A.030; RCW 7.69B.020).
- (k) The name, address, and telephone number of the local victim/witness program, or contact information for the Washington Coalition of Crime Victim Advocates.
- (l) An advisement notifying victims of domestic violence of their right to personally initiate a criminal proceeding when an officer does not exercise arrest powers or initiate criminal proceedings by citation (RCW 10.99.030).
- (m) Information about the address confidentiality program (RCW 40.24.030).

### **336.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

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Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

#### **336.7 WITNESS INFORMATION**

Any person who has been or expects to be summoned to testify for the prosecution in a criminal action, or who is subject to call or is likely to be called as a witness, has rights to specific information about the case (RCW 7.69.030).

The Administration Patrol Commander shall ensure that witness information handouts are available and current. These should include information regarding witness rights (RCW 7.69.030).

##### **336.7.1 VICTIM AND WITNESS PRIVACY AND PROTECTION**

Officers shall interview victims and witnesses in locations that are separated by sight and sound from the public areas of the Issaquah Police Department.

# Hate Crimes

## 338.1 PURPOSE AND SCOPE

This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

## 338.2 DEFINITIONS

Except where otherwise noted, the following definitions are provided per RCW 9A.04.110:

**Bodily injury, physical injury, or bodily harm** - Physical pain or injury, illness, or an impairment of physical condition.

**Gender expression or identity** - Having, or being perceived as having, a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth (RCW 9A.36.080).

**Malice and maliciously** - To import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

**Reasonable person** - A reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same gender expression or identity, or the same mental, physical, or sensory handicap as the victim (RCW 9A.36.080).

**Sexual orientation** - Heterosexuality, homosexuality, or bisexuality (RCW 9A.36.080).

**Threat** - To communicate, directly or indirectly, the intent to cause bodily injury immediately or in the future to any other person or to cause physical damage immediately or in the future to the property of another person.

## 338.3 CRIMINAL STATUTES

### 338.3.1 HATE CRIME OFFENSES

A person is guilty of a hate crime offense if he/she maliciously and intentionally commits one of the following acts because of his/her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability (RCW 9A.36.080):

- (a) Causes physical injury to the victim or another person.

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- (b) Causes physical damage to or destruction of the property of the victim or another person.
- (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under the circumstances.

Prima facie acts of hate are described in RCW 9A.36.080(2).

### **338.3.2 THREATS TO BOMB OR INJURE PROPERTY**

It is unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated (RCW 9.61.160).

### **338.3.3 FEDERAL JURISDICTION**

The federal government has the power to investigate and prosecute bias-motivated violence by giving the U.S. Department of Justice jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

### **338.4 CIVIL STATUTES**

In addition to the criminal penalty provided in RCW 9A.36.080 for committing a hate crime offense, the victim may bring a civil cause of action for the hate crime offense against the person who committed the offense. A person may be liable to the victim of the hate crime offense for actual damages, punitive damages of up to one hundred thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action (RCW 9A.36.083).

### **338.5 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES**

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

### **338.6 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

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- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift.
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes. Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further.

### 338.6.1 INVESTIGATION SECTION RESPONSIBILITY

If a case is assigned to the Investigation Section, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Prosecutor and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victim(s) and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

### 338.6.2 RECORDS SECTION RESPONSIBILITY

The Police Records Section will maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Washington Association of Sheriff's and Police Chiefs (WASPC) (RCW 36.28A.030).

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#### **338.7 TRAINING**

All members of this department will receive CJTC approved training on hate crime recognition and investigation (RCW 43.101.290).



# Standards of Conduct

## **340.1 PURPOSE AND SCOPE**

This policy establishes standards of conduct that are consistent with the values and mission of the Issaquah Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

## **340.2 POLICY**

The continued employment or appointment of every member of the Issaquah Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### **340.2.1 PROGRESSIVE DISCIPLINE**

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered.

Administration of discipline will follow any provisions or restrictions identified or agreed upon in all Bargaining Unit contracts.

Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

## **340.3 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### **340.3.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or

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shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### 340.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- (c) Using Departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records
- (d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly report activities on the part of any other employee where such activities may result in criminal prosecution under local, state or federal law.
- (g) Failure to promptly report any misuse or unauthorized use of the ACCESS / Criminal Justice Information systems.
- (h) Failure of any employee to promptly report unlawful activities that have resulted in official contact by any other law enforcement agency.
- (i) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity (RCW 9A.80.010)
- (j) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without

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the expressed authorization of the Chief of Police or his/her designee may result in discipline under this policy.

- (k) Seeking restraining orders against individuals encountered in the line of duty without the notification of the Chief of Police.
- (l) Discourteous or disrespectful treatment of any member of the public or any member of this department or another law enforcement agency while on duty.
- (m) Unwelcome solicitation of a personal or sexual relationship while on or off-duty or through the use of official capacity.
- (n) Seeking, requesting, exchanging, or obtaining personal information from citizens who are utilizing City of Issaquah services for personal reasons or benefit. Utilizing City of Issaquah services consists of, but not limited to witnesses, victims, inmate visitation, Records services, citizens who are detained, emergent detentions, inmates, someone in custody, or any official contact. Forms of personal information consist of, but not limited to personal phone numbers, email addresses, physical addresses, work information, social media information, or any form of contact information to communicate with the citizen for personal reasons or benefit.
- (o) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.
- (p) Members shall notify their supervisor when a community member solicits or requests their personal information to communicate for personal reasons. Forms of personal information consist such of, but not limited to, personal phone numbers, email addresses, physical addresses, work information, social media information, or any form of contact information.

#### 340.3.3 DISCRIMINATION

- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.
- (b) Violation of Departmental or City policies prohibiting discrimination and harassment.

#### 340.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.

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- (c) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use does impair the employee's ability to perform assigned duties.
- (d) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.
- (e) Committing any violation of departmental policies related to the possession, use or consumption of drugs or alcohol.

### 340.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing or attempting to conceal defective work, removing, destroying or otherwise concealing it without permission.
- (e) Disobedience or insubordination to constituted authorities including refusal or deliberate failure to carry out or follow any proper order from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

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- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others.
- (o) Unauthorized removal or possession of Departmental property or the property of another employee.
- (p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (q) Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report, form, or during the course of any work-related investigation.
- (r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knows or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (t) Offer or acceptance of a bribe or gratuity.
- (u) Misappropriation or misuse of public funds.
- (v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (x) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in, or are continuing to engage in, serious violations of state or federal laws, where the employee has or reasonably should

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have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

- (y) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
- (z) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
- (aa) Violating any misdemeanor or felony statute.
- (ab) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
- (ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g. first aid, ACCESS, etc).
- (ae) False or misleading statements to a supervisor or other person in a position of authority in connection with any investigation or employment-related matter.
- (af) Failure to comply with the oath of office and agency policies, including the duty to be truthful and honest in the conduct of official business.

### 340.3.6 SAFETY

- (a) Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain physical condition sufficient to safely perform all essential functions of the law enforcement position held.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Engaging in any serious or repeated violation of departmental safety standards or safe working practices.

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### 340.3.7 SECURITY

- (a) The Issaquah Police Department is a secured facility. Only authorized personnel will enter the building. Unauthorized people will need supervisor approval.
- (b)
- (c) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports, including ACCESS or Criminal Justice Information (CJIS).

### 340.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to timely report known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

### 340.3.9 ATTENDENCE

- (a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.
- (e) Failure to comply with attendance-related policies

### 340.3.10 TARDINESS RESPONSIBILITIES

Members will immediately notify a patrol supervisor when they realize that they will be tardy for their shift. The member will notify the patrol supervisor the reason for their tardiness and when they anticipate arriving to work.

Upon arriving to work, the member will notify the patrol supervisor that they have arrived.

For purposes of official notification for being tardy, the member must speak directly to a patrol supervisor and not relay the information through a work partner or other member.

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### 340.3.11 PATROL SUPERVISOR RESPONSIBILITIES

Upon learning that a member will be tardy the patrol supervisor will do the following:

- (a) Determine the reason for the member's tardiness.
- (b) Determine when the member will arrive for their shift.
- (c) Make the necessary staffing adjustments based on the need.
- (d) Either the patrol supervisor receiving notification or the oncoming patrol supervisor will meet with the member when they arrive to work.
- (e) Notify the member's supervisor, Commander, and Executive Assistant via email of all the pertinent information.

### 340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

#### 340.4.1 WRITTEN REPRIMANDS

Unless otherwise specified in a collective bargaining agreement, an employee wishing to formally appeal a written reprimand must submit a written request to his/her Patrol Commander within ten days of receipt of the written reprimand. The Patrol Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final, subject to any appeal rights set forth in the grievance procedure in a collective bargaining agreement.

### 340.5 POST INVESTIGATION PROCEDURES

#### 340.5.1 ADMINISTRATIVE SERVICES COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Administrative Services Commander shall review the entire investigative file, the employee's personnel file and any other available materials identified as relevant to the investigation.

The Administrative Services Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Chief of Police, the Administrative Services Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Chief of Police, the Administrative Services Commander shall include all relevant materials supporting the



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recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

### 340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Administrative Services Commander for further investigation or action.

- (a) In the event disciplinary action is recommended, which, if implemented, would result in the deprivation of a property or liberty interest, the Chief of Police shall provide the employee with written (Loudermill) notice of the following information:
  - 1. Specific charges set forth in separate counts, describing the conduct underlying each count.
  - 2. A separate recommendation of proposed discipline for each charge.
  - 3. A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
  - 4. An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Loudermill notice.
  - 5. A statement that the employee is entitled to union representation, if represented by a union.
- (b) Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
- (c) If the employee elects to respond orally, the presentation shall be recorded by the Department with consent of the employee. Upon request, the employee shall be provided with a copy of the recording or transcript of the recording.
  - 1. The Loudermill response is not intended to be an adversarial or formal hearing.
  - 2. Although the employee may be represented by an uninvolved representative or legal counsel, the Loudermill response is not designed to accommodate the presentation of testimony or witnesses.
  - 3. The employee, union, or attorney representing the employee, may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
  - 4. In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

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5. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issue(s) of information raised in any subsequent materials.
6. Once the employee has completed his/her Loudermill response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline.
7. Once the Chief of Police has issued a written decision, the discipline shall become effective.

### **340.6 EMPLOYEE RESPONSE**

- (a) Unless otherwise specified in a collective bargaining agreement or the City of Issaquah Personnel Rules and Regulations; any person removed, suspended, demoted or discharged may within twelve (12) days from the time of his/her removal, suspension, demotion or discharge, file with the civil service commission a written demand for an investigation, whereupon the commission shall conduct such investigation (RCW 41.12.090).
- (b) The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause.
- (c) After such investigation the civil service commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement of, or reemployment of, such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge.
- (d) The civil service commission rules will be followed for disposition of these issues.
- (e) The findings of the civil service commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.
- (f) All investigations made by the civil service commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity to appear in person and by counsel, and to presenting his/her defense.

If such judgment or order be concurred in by the commission or a majority thereof, the accused may:

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1. Appeal there from to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court.
2. The civil service commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: Provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

### **340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the completion of the Internal Investigation, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending investigation.

### **340.8 POST LOUDERMILL PROCEDURE**

In situations in which the imposed discipline amounts to a written reprimand or less, the employee's right to formally respond shall be limited to the aforementioned Loudermill process and the appeal process detailed in § 340.4.1. In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative memorandum of understanding (MOU), Policy Manual § 1006 and RCW 41.12.090 or applicable collective bargaining provisions.

### **340.9 NOTIFICATION TO CJTC CERTIFICATION BOARD**

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify CJTC on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

# Information Technology Use

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Issaquah Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

### 342.1.2 CITY WIDE POLICY

In addition to the Department policies described in Policy 342, employees are required to read and acknowledge understanding of the City of Issaquah Technology Resources Usage and Security Policy listed as Issaquah Administrative Manual Code 101-26.

## 342.2 POLICY

It is the policy of the Issaquah Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department

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system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Employees may not be asked or required to disclose logon information for their personal social networking accounts or to provide access to their personal social networking accounts unless otherwise allowed under RCW 49.44.200 (RCW 49.44.200).

#### **342.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **342.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **342.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation

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or assisting in an active investigation or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **342.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

#### **342.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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#### **342.7 PROTECTION OF DEPARTMENT SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Department approved anti-virus software will be running on all computers that are connected to the Internet to check downloaded files, e-mail and attachments for embedded viruses. Suspected problems with any security or anti-virus protections shall be promptly reported.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

##### **342.7.1 NETWORK SECURITY**

Network security protocols are established to ensure the integrity and security of the network systems. Employees shall not attempt to circumvent these protocols and shall observe the following:

- (a) Access to the network server and peripherals is locked and access is strictly limited to authorized personnel.
- (b) The network shall not be connected to any external network without a firewall in place.
- (c) No dial-up modem or work stations with dial-up modems will be connected to the network without additional authentication techniques beyond login name and password.

##### **342.7.2 SYSTEM BACK-UP**

Information Services personnel shall be responsible for establishing regularly scheduled network system backup protocols. Retention of all system backups should be stored off-site and retained until no longer needed for department business and then destroyed according to the current Local Government Common Records Retention Schedule (CORE).

# Report Preparation

## 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 344.2 REQUIRED REPORTING

Documented reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documenting a report. The following are examples of required documentation:

- (a) All misdemeanor crimes
- (b) All incidents involving domestic violence
- (c) All arrests
- (d) When directed by a supervisor
- (e) Hate Crimes
- (f) All felony Crimes



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- (g) Use of force incidents
- (h) Child and Elder Abuse
- (i) Missing persons reports

### 344.2.2 NON-CRIMINAL ACTIVITY

Incidents that require documentation on the appropriate approved report include:

- (a) Any time an officer points a firearm at any person.
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms and Qualification Policy).
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician in attendance within 36 hours preceding death).
- (e) Found dead bodies or body parts.

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- (f) Suspicious missing persons.

### **344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

### **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

## **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

### **344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

## **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the original report and reason for rejection to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

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### **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

### **344.6 CITIZEN REPORT FORMS**

Citizen Report forms are reports completed by the reporting citizen themselves on a department issued form and turned in to the police department for documentation of post incident, not in-progress incidents without criminal investigative leads. The following incidents shall be documented using the Citizen Report Form:

- (a) The incident is being reported for documentation or insurance purposes only.
- (b) There are no known suspect(s).
- (c) Incident does not involve a firearm.
- (d) Complainant does not require an officer response.

All incidents meeting the criteria above may be reported by the citizen on the citizen report form; the basic information related to the incident can be taken at the time of report and the form can be provided directly to the complainant, via mail, e-mail, or fax.

#### **344.6.1 CASES RELATING TO CITIZEN REPORT FORM**

A Citizen Report Form will not be substituted for any reports required under reporting standards such as Hit and Run, or Domestic Violence related theft or malicious mischief. Examples of incidents falling within CRF guidelines.

- (a) Malicious mischief / vandalism / property damage less than \$750 damage. (Examples include lawn damage, unattended damage to vehicles such as keying or unexplained damage, damage to mailboxes, or egging.)
- (b) Theft with property loss of less than \$750. (Examples include backpacks, hood ornaments, yard or lawn ornaments, or bicycles.)
- (c) Civil Problems. (Examples include non-confrontational neighbor problems and minor juvenile problems.)
- (d) Lost Property, such as purse, wallet or cellphone.

If the incident does not meet the above listed criteria or the citizen does not agree to the CFR reporting process, a call for service will be entered for an officer response.

#### **344.6.2 STAFF ISSUANCE REQUIREMENTS**

Staff has certain requirements prior to issuance of a Citizen Report Form as listed below:

The Citizen Report Form will be explained to the reporting party in detail and emphasize that it needs to be signed prior to submitting it to law enforcement. The dollar amount for lost, stolen or

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damaged property should reflect "current fair market value", rounded to the nearest whole dollar, and the form can be submitted to the police department either in person, by mail, or by fax.

Prior to issuing the CRF to the reporting party, the Law Enforcement Use Only portion located at the top of the form will be completed with:

- (a) Nature
- (b) Case Number
- (c) Report Date & Time
- (d) Occurred Date & Time

#### 344.6.3 RETURNED CITIZEN REPORT FORMS

Upon receipt of a CRF, the following steps will be completed by staff:

- (a) Records Staff reviews all CRF's for completeness.
- (b) Records or Communications Center staff can enter all names and property pertaining to report into the Spillman Records Management System.
- (c) Communications Center staff enters any stolen property into NCIC / WACIC as necessary.
- (d) All completed CRF's are submit to the Records staff for filing.

## Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Supervisors, and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.
- (d) Members of the media shall not access any secured areas of the Issaquah Police Department without approval of the Command Staff.

### 346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
  2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **346.3.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily press log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Unit. When requested, additional information may be made available (RCW 42.56.070(1)). This log will generally contain the following information:

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- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim, or witness be publicly released except as permitted under RCW 13.50.010 and .050, or with prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Medical Examiner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the Records Supervisor, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Public Records Act (RCW Chapter 42.56).

#### 346.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

# Court Appearance And Subpoenas

## 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

## 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy and/or their Bargaining Unit agreement. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

### 348.2.1 SERVICE OF SUBPOENA

A subpoena may be served by any suitable person over eighteen years of age, by reading it to the witness, or by delivering to him/her a copy at his/her residence. (RCW 12.16.020, WA CR 45) . Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

A subpoena may be served by any suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him/her a copy thereof, or by leaving such copy at the place of his/her abode. When service is made by any person other than an officer authorized to serve process, proof of service shall be made by affidavit or declaration under penalty of perjury. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

### 348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

### 348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department Records staff shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the officer named on the subpoena.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena. If the named person has vacation leave or similar approved leave for the date listed and would be unavailable, service of the subpoena should not be accepted.



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#### **348.2.4 REFUSAL OF SUBPOENA**

- (a) If the subpoena has been received by the individually named employee and a valid reason exists for refusing the subpoena, the employee has the responsibility to notify the assigned County Prosecutor, City Prosecutor or other attorney of record to inform them of the conflict.
- (b) If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may return the subpoena to the issuing court with a request to quash.
- (c) If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or Records Clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance.

#### **348.2.5 COURT STANDBY**

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact

If an employee on standby changes his/her location during the day, the employee shall notify the court or prosecutor of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing, if required by the prosecutor. In a criminal case the Prosecutor handling the case is the only person authorized to excuse an employee from standby status.

#### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Issaquah Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### **348.2.7 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

### **348.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Bargaining Unit Agreement.

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The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

#### **348.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

#### **348.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee bargaining unit agreement.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

#### **348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

##### **348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

##### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from tobacco products, or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of Washington, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, appropriate Prosecutor's Office in criminal cases, or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.

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- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any county, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

# Outside Agency Assistance

## 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

## 352.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES - EMERGENCY

Supervisors have the authority and responsibility to request mutual aid emergency response when they believe on-duty resources are inadequate to resolve an emergency that presents a threat to the life and safety of the officers or others. The requesting supervisor shall manage the response and assume the position and responsibilities of the Incident Commander (IC) until relieved.

During the initiation of an emergency request for assistance, the Supervisor should assess the situation, resources available within the department, and approximate number of additional officers or specific resources needed (K-9, SWAT, Patrol, etc). Supervisors should request resources through the Communications Center, and provide the following information:

- (a) The supervisor's radio call sign Location of incident, to include crisis area, inner and outer perimeter;
- (b) Event description, to include suspect description;
- (c) Command post and staging locationS;
- (d) Routes of ingress to event or incident;
- (e) Radio frequency to be used; and
- (f) Any immediate needs that responding officers may assume upon arrival such as road blocks, traffic control or perimeter locations.

## 352.3 ASSISTING OUTSIDE AGENCIES - EMERGENCY OCCURANCE

The Issaquah Police Department will provide assistance whenever possible to another law enforcement agency upon request for emergency assistance. If the requesting agency borders the city of Issaquah, on-duty officers may respond to the incident with approval of the supervisor. If the requesting agency does not border the city of Issaquah, officers should not respond without receiving a specific request from the requesting agency.

### 352.3.1 SUPERVISOR RESPONSIBILITY - EMERGENCY OCCURRENCE

Upon request for emergency mutual aid from an outside agency, the Supervisor shall coordinate and direct the department response and ensure proper procedures are followed. The Supervisor has the discretion to limit our agency's response to assure internal coverage. Where possible, an IPD Supervisor shall respond to the location to support and assist the requesting agency and to provide direct supervision of IPD responding officers.

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### **352.3.2 OFFICER RESPONSIBILITY - EMERGENCY OCCURRENCE**

Responding officers will respond to Emergency Requests for Assistance under the following protocol:

- (a) Officers will monitor the assigned frequency for updates on the incident but stay off the air until arrival on scene.
- (b) Officers should not self deploy into the location of the incident.
- (c) Officers should respond to the Staging Area unless responding to a "Help the Officer" call or otherwise directed by the Incident Commander. If the officer was assigned a position prior to arrival, they should check in with the IC over the air upon arrival.
- (d) Upon arrival at the Staging Area, officers will check in with the Staging Manager and advise of any specialty skills or resources they possess.
- (e) Officers will not deploy until directed by the Staging Manager or IC.
- (f) Officers will follow the Issaquah Police Department policies while implementing the assigned task given by the IC. Conflicts in actions or policies will be brought to the attention of the IC through the chain of command for de-confliction.
- (g) Officers will not depart from the incident scene without going through the established demobilization procedures set up by the ICS structure.

### **352.4 REQUESTING ASSISTANCE FROM OUTSIDE AGENCY - NON-EMERGENT**

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive. Supervisor may request mutual aid for incident or events, even though they may be non-emergency in nature, which requires resources beyond the agency's assets. The Supervisor should request enough units to cover the positions while considering relief needs as well.

The Supervisor will advise the Communication Center of its need for resources to include:

- (a) The number and type of resources requested;
- (b) The anticipated use of the resources;
- (c) Time line for arrival and anticipated demobilization time;
- (d) The specific agency where the resources should be drawn;
- (e) Staging area location and name of Staging Manager;
- (f) Provide the incident liaison officer's name and contact information; and
- (g) Provide additional incident specific information as needed.

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#### **352.5 ASSISTING OUTSIDE AGENCIES - NON-EMERGENT**

Generally, calls for assistance from other agencies are routed to the Shift Supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

Response to requests for non-emergent assistance shall follow the same protocol as in sections 352.3.1 and 352.3.2

#### **352.6 POLICY**

It is the policy of the Issaquah Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

#### **352.7 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities shall be documented in a case report.

#### **352.8 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

#### **352.9 ASSISTING OUTSIDE AGENCIES**

Generally, requests for any type of assistance from another agency should be routed to the Shift Supervisor for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances,

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and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 352.9.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Issaquah Police Department shall notify his/her supervisor or the Shift Supervisor and the Communications Center as soon as practicable.

# Registered Offender Information

## 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Issaquah Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

## 356.2 POLICY

It is the policy of the Issaquah Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 356.3 REGISTRATION

The Administrative Services Sergeant shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Washington State Patrol (WSP) within five working days in accordance with RCW 43.43.540. The Washington Association of Sheriffs and Police Chiefs (WASPC) shall be provided any requested information for the administration of the Sex Offender Information website (RCW 4.24.550) .

A criminal investigation for failure to register will be initiated if a registrant refuses to provide any of the required information or complete the process.

### 356.3.1 CONTENTS OF REGISTRATION FOR SEX OR KIDNAPPING OFFENDERS

Sex or kidnapping offenders who are required to register must appear in person and provide the following (RCW 9A.44.130):

- Name
- Complete residential address or where he/she plans to stay
- Date and place of birth
- Place of employment
- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Social Security number



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- Biological sample if one has not already been submitted to the WSP (see the Biological Samples Policy for collection protocol) (RCW 43.43.754)

Offenders lacking a fixed residence must report weekly, in person, to the sheriff's office where he/she is registered. Forms used to record where the offender stayed during the week should include an express request for offenders to provide an accurate accounting of where they stayed to the county sheriff.

The registering member shall take photographs and fingerprints, which may include palmprints, of all sex/kidnapping offenders.

### **356.3.2 CONTENTS OF REGISTRATION FOR FELONY FIREARM OFFENDERS**

Felony firearm offenders who are required to register must appear in person and provide the following to the King County Sheriff's Office (RCW 9.41.330; RCW 9.41.333)

- Name and any aliases
- Complete residential address or where he/she plans to stay
- Identifying information, including a physical description
- Crime for which the person has been convicted
- Date and place of conviction
- Names of any other county where the firearm offender may have registered

The Detective coordinating the Department's registered offenders function, will generate a registered Felony Firearms offender work up for anyone required to register in which the King County Sheriff's Office notifies Issaquah Police that the registrant resides within the Issaquah City Limits.

### **356.3.3 SEX OFFENDER RESIDENCY RESTRICTIONS**

When processing a sex offender file, the assigned Officer should assure the sex offender residency restriction should be followed under Chapter 8.20 of the Issaquah Municipal Code.

### **356.4 MONITORING OF REGISTERED OFFENDERS**

The Administrative Services Sergeant or designee should establish a system to periodically, and at least once quarterly, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include, as applicable:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the WASPC Sex Offender Information Center website.
- (c) Contact with a registrant's community correction officer.
- (d) Review any available Washington State database of felony firearm offenders.

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Any discrepancies with sex/kidnapping offenders should be reported to ACCESS (A Central Computerized Enforcement Service System), which is administered by WSP, and, in the case of sex offenders only, to the Washington Association of Sheriffs and Police Chiefs (WASPC), which administers the Sex Offender Information Center website.

The Administrative Services Sergeant or designee should also establish a procedure to routinely disseminate information regarding registered offenders to Issaquah Police Department personnel, including timely updates regarding new or relocated registrants.

#### **356.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular sex/kidnapping registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a sex/kidnapping registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex/kidnapping registrants should be provided the WASPC Sex Offender Information Center website or the Issaquah Police Department's website.

The Police Records Supervisor shall release local sex/kidnapping registered offender information to residents in accordance with RCW 4.24.550 and in compliance with a request under the Public Records Act (RCW 42.56).

Information pertaining to felony firearm offenders should not be disseminated to the public. All inquiries should be referred to WSP.

##### **356.5.1 RELEASE NOTIFICATIONS FOR SEX OR KIDNAPPING OFFENDERS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

##### **356.5.2 MANDATORY NOTIFICATION**

The Administrative Services Commander shall ensure that:

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- (a) A public notification is made for sex offenders who are classified as Risk Level III and who register in the City. The notice must be published in at least one newspaper that has a general circulation in the geographic area of each sex offender's registered address or location. The notice must be in the form of a legal notice, advertisement or news release (RCW 4.24.550(4)). The notice shall conform to the guidelines established in RCW 4.24.5501.
- (b) All information on sex/kidnapping offenders registered in the City is regularly updated and posted on the WASPC Sex Offender Information Center website (RCW 4.24.550(5)).

#### 356.5.3 DISCRETIONARY DISSEMINATION FOR SEX OFFENDERS

Dissemination should be predicated upon the levels detailed below (RCW 4.24.550(3)):

- (a) Offenders classified as Risk Level I: The Department may disclose, upon request, relevant, necessary and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the sex offender resides, expects to reside or is regularly found, and to any individual who requests information regarding a specific offender.
- (b) Offenders classified as Risk Level II: In addition to the dissemination for Level I, the Department may also disclose relevant, necessary and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women or vulnerable adults, and neighbors and community groups near the residence where the sex offender resides, expects to reside or is regularly found.
- (c) Offenders classified as Risk Level III: In addition to the dissemination of Level I and Level II, the Department may also disclose relevant, necessary and accurate information to the public at large.
- (d) Homeless and transient sex offenders may present unique risks to the community due to the impracticality of localized notification. The Department may also disclose relevant, necessary and accurate information to the public at large for sex offenders registered as homeless or transient.

#### 356.5.4 SCHOOL NOTIFICATIONS

The Sheriff has the responsibility of notifying the appropriate person at a school or other educational institution as set forth in RCW 9A.44.138 of any sex/kidnapping offender who attends or is employed there, and for providing the following information about the offender:

- Name
- Complete residential address
- Date and place of birth
- Place of employment

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- Crime for which the person has been convicted
- Date and place of conviction
- Aliases
- Photograph
- Risk level classification

### **356.6 SEX OFFENDER RISK ASSESSMENT**

The Administrative Services Commander shall establish a procedure to review and assign an initial risk level classification of sex offenders who have moved or are released into this jurisdiction and the risk assessment level has not already been assigned by the Washington Department of Corrections. That procedure shall address (RCW 4.24.550(6)):

- The circumstances under which the Issaquah Police Department is authorized to assign its own risk level.
- The process for an offender to petition for review of the risk level classification.
- What risk assessment tools may be used and how such tools are scored.
- Assessment of known aggravating or mitigating factors related to the risk posed by the offender to the community.
- Notification process following a change in the risk level classification.
- [Risk level classification criteria.](#)

# Major Incident Notification

## 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 358.2 POLICY

The Issaquah Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the Command staff. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides.
- Traffic accidents with fatalities.
- Employee involved shooting or death on or off-duty (See the Employee Involved Shooting and Death Policy for special notifications).
- Significant injury or death to employee on or off-duty.
- Death of a prominent Issaquah official.
- Arrest of Department employee or prominent Issaquah official.
- Aircraft crash with major damage and/or injury or death.
- In-custody deaths.

## 358.4 SHIFT SUPERVISOR RESPONSIBILITY

The Shift Supervisor is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Supervisor shall attempt to make the notifications as soon as practical. Notification should be made by calling the department cell phone first and then home phone number or any other phone number designated by the on-call Command staff member.

### 358.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 358.3, the on-call Command staff member be notified along with the Chief of Police. The on-call Command staff member can determine if notification is necessary for the remainder of the Command staff and should effect that notification.

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#### 358.4.2 DETECTIVE NOTIFICATION

If the On-duty Supervisor determines that an incident requires that a Detective respond from home, the On-duty Supervisor shall call the On-call Detective to respond. Upon being called out, the Detective shall notify the On-call Command Staff member. If additional staffing or resources are required the Administrative Sergeant and/or On-call Command Staff member should make the determination with the involved investigators.

# Death Investigation

## 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

## 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A Shift Supervisor shall be notified in all death investigations.

### 360.2.1 MEDICAL EXAMINER JURISDICTION OVER REMAINS

The King County Medical Examiner has jurisdiction of bodies of all deceased persons who come to their death suddenly in any of the following cases (RCW 68.50.010):

- (a) When in apparent good health without medical attendance within the thirty-six hours preceding death.
- (b) Where the circumstances of death indicate death was caused by unnatural or unlawful means.
- (c) Where death occurs under suspicious circumstances.
- (d) Where a coroner's autopsy or post mortem or coroner's inquest is to be held.
- (e) Where death results from unknown or obscure causes.
- (f) Where death occurs within one year following an accident.
- (g) Where the death is caused by any violence whatsoever.
- (h) Where death results from a known or suspected abortion; whether self-induced or otherwise.
- (i) Where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering.
- (j) Where death is due to premature birth or still birth.
- (k) Where death is due to a violent contagious disease or suspected contagious disease which may be a public health hazard.
- (l) Where death results from alleged rape, carnal knowledge or sodomy.
- (m) Where death occurs in a jail or prison.

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- (n) Where a body is found dead or is not claimed by relatives or friends.

The body or human remains shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner investigator. (RCW 68.50.050).

#### 360.2.2 DEATH NOTIFICATION

When practical, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned Officers may need to talk to the next-of-kin.

#### 360.2.3 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### 360.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

#### 360.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the on-call Administration shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.



# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

This department will initiate an incident report whenever a person reasonably suspects that his/her financial information or means of identification has been unlawfully obtained, used, or transferred to another person or entity in all cases where the victim resides or works within this jurisdiction, or where any part of the crime occurred within this jurisdiction. The employee receiving the report will ensure that the complainant receives a copy of the incident report (RCW 9.35.050).

In cases where the reporting party does not reside or work within this jurisdiction and there is no known or suspected criminal activity occurring within this jurisdiction the reporting party may be referred to the appropriate law enforcement agency having jurisdiction. If it is not reasonably practical for the reporting party to file a timely report with his/her home jurisdiction the receiving employee should take a courtesy incident report to be forwarded to the agency having jurisdiction.

Reports should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

The employee preparing the report should also cross-reference all other known reports made by the victim (e.g., US Secret Service, credit reporting bureaus, US Postal Service and DOL) with all known report numbers.

Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

### 362.2.1 VICTIM FINGERPRINTING

The Reporting officer or assigned Detective should make arrangements to fingerprint the victim making the report, at no cost to the victim. The fingerprint card shall be submitted to the Washington State Patrol, identifying the printcard as belonging to an Identity Theft victim.

# Limited English Proficiency Services

## 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others. Court authorized interpreter services should be sought for complicated interviews or statements. Telephone language lines services may be used for limited contacts such as read rights, implied consent and jail bookings.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Issaquah Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 368.2 POLICY

It is the policy of the Issaquah Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 368.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which

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measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **368.4 TYPES OF LEP ASSISTANCE AVAILABLE**

Issaquah Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **368.5 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The department should arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **368.6 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

### **368.7 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must demonstrate that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **368.7.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Individuals employed by a language line, telephone interpretation service.

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#### **368.7.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **368.8 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **368.9 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

##### **368.9.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **368.10 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **368.11 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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### **368.12 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **368.13 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **368.14 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### **368.15 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

# Communications with Persons with Disabilities

## 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should be certified pursuant to RCW 2.42.110.

## 370.2 POLICY

It is the policy of the Issaquah Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 370.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members



## *Communications with Persons with Disabilities*

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should ask the individual to communicate back or otherwise demonstrate their understanding.

- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### **370.4 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Issaquah Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## *Communications with Persons with Disabilities*

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### **370.5 TYPES OF ASSISTANCE AVAILABLE**

Issaquah Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **370.6 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### **370.7 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a

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telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **370.8 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **370.9 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **370.10 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

## *Communications with Persons with Disabilities*

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All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### **370.11 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **370.11.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

### *Communications with Persons with Disabilities*

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#### **370.12 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **370.13 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **370.14 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **370.15 TRAINING**

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#### 370.15.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

# Chaplain Program

## 376.1 PURPOSE AND SCOPE

The Issaquah Police Department Chaplain Program is established for the purposes of providing spiritual, emotional, and mental support to all members of the department, their families, and members of the public.

## 376.2 POLICY

It is the policy of this department that the Chaplains utilized by the department shall be a non-denominational, ecumenical service provided by volunteer clergy without financial compensation.

## 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- a. By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- b. By providing an additional link between the community, other chaplain programs and the Department.
- c. By providing counseling, spiritual guidance and insight for department personnel and their families.
- d. By being alert to the spiritual and emotional needs of department personnel and their families.
- e. By familiarizing themselves with the role of law enforcement in the community.

## 376.4 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- a. Assisting in making notification to families of department members who have been seriously injured or killed.
- b. After notification, responding to the hospital or home of the department member.
- c. Visiting sick or injured law enforcement personnel in the hospital or home.
- d. Attending and participating, when requested, in funerals of active or retired members of the Department.
- e. Assisting sworn personnel in the diffusion of a conflict or incident when requested.
- f. Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the Department's mission.

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- g. Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
- h. Counseling officers and other personnel with personal problems, when requested.
- i. Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- j. Being responsible for the organization and development of spiritual organizations in the Department.
- k. Responding to all major disasters such as earthquakes, bombings and similar critical incidents as requested.
- l. Providing liaison with other religious leaders of the community.
- m. Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- n. Participating in in-service training classes.
- o. Willing to train to enhance effectiveness.
- p. Promptly facilitating requests for representatives or ministers of various denominations.
- q. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.
- r. Be trained in all Department policies and procedures.
- s. Adhere to the Code of Ethics subscribed by the International Conference on Public Chaplains.
- t. Provide critical incident stress management, including participating as a active member of the peer support team after critical incidents.
- u. Submit a monthly report through the Administrative Services Commander detailing his/her activity during the previous month (containing no identifying or confidential information).

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contact that were provided while functioning as a chaplain for the Issaquah Police Department.

#### **376.5 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the department may work or volunteer for the Issaquah Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably



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likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource. In addition, the department chaplain shall comply with the expectations outlined for Peer Support Counselors in RCW 5.60.060.

No chaplain shall provide counsel to or receive confidential communications from any Issaquah Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **376.6 REQUIREMENTS**

Ideal candidates for the Chaplain Program will have the following requirements:

- a. Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- b. Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- c. Must successfully complete an appropriate level background investigation.
- d. Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- e. Membership in good standing with the International Conference of Police Chaplains(ICPC).
- f. Possess a valid Washington State Driver's License.

### **376.7 SELECTION PROCESS**

Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- a. Appropriate written application.
- b. Interview(s) with the Command Staff and members within the Department's divisions.
- c. Successfully complete an appropriate level background investigation.
- d. Complete an appropriate probationary period as designated by the Chief of Police.

### **376.8 COMMAND STRUCTURE**

Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Administrative Services Commander.

### **376.9 OPERATIONAL GUIDELINES**

- a. The Department will utilize Chaplains through Eastside Rescue and Fire for callouts in assisting the community's needs, emergent critical incidents, and/or anytime a Chaplain is needed at a

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scene. The Department will have designated Chaplains to serve department employees, their family members, and the community. In this role, the Chaplains serve as a resource for mental, emotional, and spiritual support.

- b. Generally, each Chaplain will serve the department's personnel a minimum of five hours per month.
- c. Chaplains shall be permitted to ride with officers during any shift and observe Department operations, provided that a supervisor has approved the activity.
- d. Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- e. In responding to incidents, a Chaplain shall never function as an officer.
- f. When responding to in-progress calls for service, Chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- g. Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

#### **376.9.1 UNIFORMS AND BADGES**

- a. The Chaplains will be issued a Class A uniform, Chaplain badge, and appropriate safety equipment.
- b. The Chaplains will be issued department identification and a key card to enter the Issaquah Police Department.
- c. The Chaplains will wear professional attire while conducting official business for the Department.

#### **376.10 TRAINING**

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity.

# Public Safety Camera System

## 378.1 PURPOSE AND SCOPE

The City of Issaquah operates a public safety camera system for the purpose of creating a safer environment for all those who live, work, and visit the City. This policy provides guidelines for the operation of the cameras, the purpose of their use and the storage of captured images.

## 378.2 POLICY

Cameras are strategically placed throughout the City at the direction or with the approval of the Chief of Police for the purpose of assisting the Issaquah Police Department to detect and deter crime, to safeguard against potential threats to Homeland Security, to manage emergency response situations to natural and man-made disasters and to assist other City officials to aid in the enhancement of services provided to the community.

Public safety cameras are a crime prevention tool and can assist with scene reconstruction and evidence gathering. Public safety cameras are also a key resource to assist in securing vulnerable sites by providing real time monitoring and early detection of unusual or criminal activity allowing for a more efficient and timely response by law enforcement and emergency response personnel.

The cameras only record images and do not record sound. Recordings may be used for a variety of purposes including criminal investigations, monitoring of activity. In addition, the public safety camera system helps to provide the following benefits:

- (a) Assist in identifying, apprehending and prosecuting offenders.
- (b) Assist in gathering evidence for criminal and civil court actions.
- (c) Assist emergency services personnel maintain good public order.
- (d) Assist in monitoring pedestrian and vehicle traffic activity.
- (e) Help improve the general environment on the public streets.
- (f) Assist in providing effective public services.

## 378.3 PROCEDURE

The following procedures have been established for the effective operation of the public safety camera system.

### 378.3.1 MONITORING

Video images from the cameras are transmitted to monitors installed in the Shift Sergeant's Office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location the dispatcher may selectively view the appropriate camera and relay any available information to responding units. The Shift Sergeant or the Communications Center personnel are authorized to adjust the cameras in such a manner as to most effectively view a particular area for any legitimate public safety purpose.

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### *Public Safety Camera System*

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The video feed from cameras may be accessed by City employees other than police employees for official business only. A request must be made to, and approved by, the Chief of Police in order for video feed to be set up at a location other than the Communications Center.

#### **378.3.2 TRAINING**

Personnel involved in video monitoring will be appropriately trained and supervised.

#### **378.3.3 PROHIBITED ACTIVITY**

Video monitoring will be conducted in a professional, ethical and legal manner. The public safety camera system will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists and all reasonable efforts will be taken to protect these rights. Video monitoring shall not be used to harass, intimidate or discriminate against any individual or group.

#### **378.3.4 CAMERA MARKINGS**

Cameras used as a part of the public safety camera system that are not used for covert operations or confidential investigations shall be marked in a conspicuous manner so as to inform the general public that the area is under public safety camera surveillance.

### **378.4 MEDIA STORAGE**

All media will be stored in a secure area with access restricted to authorized persons only. The system shall store the images from every camera which are recorded throughout the twenty-four hour period of every day of the week. All of the images from every recording device for a particular 24-hour period, beginning at 12:00 a.m. and ending at 11:59:59 p.m. shall be referred to as the Daily Recording.

The Daily Recording shall be stored for a period of not less than seven days and thereafter may be erased if not otherwise required for any related investigation, claim or other official need. The system shall be configured to automatically purge and write over any Daily Recordings more than 30 days old.

#### **378.4.1 PROHIBITED ACTIVITY**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

### **378.5 RETRIEVAL OF RECORDED INFORMATION**

Authorization to research and retrieve recorded information is restricted to the Chief of Police or his/her designee. These individuals will be authorized to provide video images for investigative

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purposes to Issaquah Police Department employees who have completed a video request form in accordance with chain of custody procedures established by the Issaquah Police Department.

#### **378.5.1 PUBLIC AND OTHER AGENCY REQUESTS**

Requests for recorded video images from other governmental agencies or through the submission of a court order or subpoena will be promptly submitted to the City Attorney. Upon the receipt of any such request, it shall also be promptly submitted to the Communications Supervisor who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been finally processed by the City Attorney's office.

Public and media requests for video images captured by public safety cameras will be made available only to the extent required by law. As provided by the Public Records Act, video footage that is evidence in an ongoing police investigation will generally not be disclosed to the public where a disposition has not been reached, absent such disclosure being compelled by a court or other governmental entity of competent jurisdiction.

#### **378.6 ANNUAL REVIEW OF THE PUBLIC SAFETY CAMERA SYSTEM**

The Chief of Police or his/her designee will conduct an annual review the agency's use of the public safety camera system. The annual review will include an inventory of video monitoring installations, date of installation, summary of their purpose, adherence to this policy and any proposed policy changes. The results of each review will be documented and maintained by the Chief of Police or his/her designee and other applicable advisory bodies. Any concerns or deviations from this policy will be addressed promptly and effectively.

#### **378.7 TRAINING**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Child and Dependent Adult Safety

### 380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

### 380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Issaquah Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

## *Child and Dependent Adult Safety*

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### 380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered, children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Social and Health Services, if appropriate.
- (e) Notify the shift supervisor or of the disposition of children and dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

Officers shall promptly notify Child Protective Services (CPS) whenever a child under 13 years of age is present in a vehicle and his/her parent, guardian or legal custodian is arrested for a drug or alcohol driving offense in accordance with the department Child Abuse Policy (RCW 26.44.250).

### 380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

## *Child and Dependent Adult Safety*

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### **380.3.3 REPORTING**

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

### **380.3.4 SUPPORT AND COUNSELING REFERRAL**

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### **380.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.



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## *Child and Dependent Adult Safety*

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Issaquah Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices, and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 382.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Examples of how service animals may be used to provide assistance include:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 382.3 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Issaquah Police Department affords to all members of the public.

### *Service Animals*

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability.

If it is apparent or if the officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

## Ham Radio Support Group (HRSG)

### 384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community.

The Issaquah Police Department maintains participation with the HRSG for the purpose of Communications in emergency situations.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, and/or HRSG members.

### 384.2 VOLUNTEER MANAGEMENT

The HRSG has Active Status members that are issued Emergency Worker Communications identity cards, and Reserve Status members that are not issued identity cards.

#### 384.2.1 VOLUNTEER COORDINATOR

The HRSG will maintain a roster of both Active Status members and Reserve Status members that will be available to the IPD HRSG representatives.

### 384.3 SUPERVISION OF VOLUNTEERS

All HRSG Active Status members will have Pre-volunteer Background/ Records/CHRI check, completed including a fingerprinting as a condition of being issued identity cards. All HRSG Active Status members will fill out and submit complete Emergency Worker Registration cards, Authorization to Release Information waivers, and Pre-Employment Background Check forms to the Police Department as a condition of HRSG Active Status. Current Active Status members that have not had background checks completed shall have the background checks completed as soon as practical. Reserve Status members will fill out and submit complete Emergency Worker Registration cards and Authorization to release Information waivers and will have a local records and DOL check performed by IPD prior to being put on the HRSG roster.

### 384.4 CONFIDENTIALITY

The information collected and maintained by IPD on HRSG members is confidential. This information is not to be distributed outside IPD or the HRSG.

### 384.5 PROPERTY AND EQUIPMENT

#### 384.5.1 VEHICLE USE

The Issaquah Police Department issues Emergency Worker Communications identity cards to HRSG Active Status members.

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### *Ham Radio Support Group (HRSG)*

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The identity cards are issued in a clear plastic sleeve that is connected to a Issaquah Emergency Management lanyard, and is to be worn around the neck with the identity card clearly visible. The identity cards will be issued and are dependant upon completion of a clear background check.

The identity cards expire two years from the date of issuance.

#### **384.5.2 RADIO AND MDC USAGE**

Active Status members must wear their identity cards to enter the secured IPD facility.

HRSG Reserve Status members or other visitors will need pre-authorization from the Patrol Supervisor or Command Staff. Members must be escorted by an Active Status member or a sworn Police Officer at any and all times the person is within the secured IPD facility.

#### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from any volunteer program at the discretion of the Chief of Police or designated Command Staff member. Volunteers shall have no property interests in their continued appointment.

However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

##### **384.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position.

#### **384.7 EVALUATION**

The possession of firearms by a member of the HRSG or other volunteers or visitors while within the Secure IPD facility is prohibited. This policy applies to any above mentioned person(s) who lawfully possess a Concealed Pistol License.

## Off-Duty Law Enforcement Actions

### 386.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Issaquah Police Department with respect to taking law enforcement action while off-duty.

### 386.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

### 386.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that would tend to adversely affect the member's senses or judgment.

### 386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

### *Off-Duty Law Enforcement Actions*

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- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **386.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Issaquah Police Department officer until acknowledged. Official identification should also be displayed.

#### **386.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

#### **386.4.3 NON-SWORN RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **386.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

#### **386.5 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Supervisor as soon as practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Department Use of Social Media

### 387.1 PURPOSE AND SCOPE

The City of Issaquah uses social media tools to enhance its customer service, reach a broader audience and make information easier for the community to access.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 387.1.1 DEFINITIONS

Definitions related to this policy include:

Social media is defined here as the use of third-party hosted services (available over the Internet by computer or mobile device) that allow people to socially network, collaborate or share information.

Social media services are usually based on participant contributions to the content.

Types of social media include blogs, microblogs, wikis, social and professional networks, video or photo sharing, and social bookmarking. Examples of specific social media include Facebook (social networking), YouTube (video sharing), Twitter (microblogging) and LinkedIn (professional networking), to name a few.

These online technologies are operated by non-City hosted services and are used by the City to communicate with the public.

The City does not guarantee that the social media sites will be uninterrupted or error-free.

### 387.2 POLICY

The City will approach the use of social media tools as consistently as possible, citywide. The City's Communication Department is the main contact for the City's social media program.

### 387.3 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.



## *Department Use of Social Media*

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- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **387.3.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City's Communication Department or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **387.4 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Issaquah Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor.

### **387.5 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **387.6 RETENTION OF RECORDS**

The Support Services Commander will coordinate with the Records Supervisor and the City Clerk to establish up-to-date methods of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

# Native American Graves Protection and Repatriation

## 388.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 388.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 388.2 POLICY

It is the policy of the Issaquah Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 388.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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### *Native American Graves Protection and Repatriation*

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Medical Examiner (RCW 68.50.645)
- Tribal land - Responsible Indian tribal official

#### **388.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

# Extreme Risk Protection Orders

## 389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving extreme risk protection orders and accounting for the firearms obtained pursuant to those orders (RCW 7.94.010 et seq.).

### 389.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** – An order prohibiting a named person from controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of any firearms.

**Ex parte extreme risk protection order** – An extreme risk protection order that has been issued in the absence of or without notification to the named person.

## 389.2 POLICY

It is the policy of the Issaquah Police Department to petition for and serve extreme risk protection orders in compliance with state law and to properly account for firearms obtained by the Issaquah Police Department pursuant to such orders.

## 389.3 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes a person, including a person under the age of 18, is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for an extreme risk protection order (RCW 7.94.030).

Officers petitioning the court shall use any standard petition and order forms created by the administrative office of the court (RCW 7.94.030; RCW 7.94.150).

The petition shall (RCW 7.94.030):

- (a) Allege that the person poses a significant danger of causing personal injury to him/herself or others by controlling, owning, purchasing, possessing, accessing, receiving, or otherwise having custody of a firearm and be accompanied by an affidavit, made under oath, that provides the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the person.
- (b) Identify the number, types, and locations of any firearms that the officer believes to be owned, possessed, accessed, controlled, or in the custody of the person.
- (c) Identify any other known existing protection orders governing the person.
- (d) Identify, if reasonably identifiable, any pending lawsuits, complaints, petitions, or other action between the person and the Issaquah Police Department.
- (e) Include an attestation that the officer provided notice of the intent to seek the order to a family or household member of the person and to any third party who the officer

## *Extreme Risk Protection Orders*

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reasonably believes may be at risk of violence, or an attestation to the steps that will be taken to provide this notice.

An officer may also seek an ex parte extreme risk protection order, without notice to the person, by including in the petition detailed allegations based on personal knowledge that the person poses a significant danger of causing personal injury to him/herself or others in the near future by having in his/her custody or control, purchasing, possessing, or receiving a firearm. If necessary, the ex parte may be petitioned using an on-call, after-hours judge using the same procedures for after-hours search warrants (RCW 7.94.030; RCW 7.94.050).

### **389.3.1 NOTICE OF PETITION**

When a member of the Issaquah Police Department petitions for an extreme risk protection order, he/she shall make a good faith effort to provide notice to a family or household member of the person and to any third party who the member reasonably believes may be at risk of violence. The notice shall state the intention to seek an extreme risk protection order or that the order has already been sought and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling (RCW 7.94.030).

### **389.4 SERVICE**

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents, unless the other documents are of a similar emergency nature (RCW 7.94.040; RCW 7.94.060).

Officers serving a notice of hearing and petition for an extreme risk protection order should make reasonable efforts to personally serve the person no less than five court days prior to the hearing. If an ex parte extreme risk protection order was issued, then the order, notice of hearing, and the petition are served together (RCW 7.94.040; RCW 7.94.050).

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order not more than 10 days after the Issaquah Police Department received the order. If the order is issued against a minor under the age of 18, officers should also make reasonable efforts to serve a copy of the order on the parent or guardian of the minor at the address where the minor resides, or the Department of Children, Youth, and Families in the case where the minor is the subject of a dependency or court approved out-of-home placement (RCW 7.94.060).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner (RCW 7.94.040; RCW 7.94.060).

The officer serving any extreme risk protection order, including an ex parte order, shall (RCW 7.94.090):

- (a) Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items.
  1. The officer should ensure the original receipt is forwarded to the Records Supervisor.

## *Extreme Risk Protection Orders*

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- (b) Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- (c) As soon as practicable, but by the end of his/her shift, submit the proof of service to the Records Supervisor.

All firearms collected shall be handled and booked in accordance with the Property and Evidence Policy.

### **389.5 SEARCH WARRANTS**

If a person who has been served with an extreme risk protection order refuses to surrender any firearm, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy.

### **389.6 RECORDS SUPERVISOR RESPONSIBILITIES**

The Records Supervisor is responsible for ensuring that:

- (a) Orders received by the court are entered into the national instant criminal background check system or any other federal or state computer-based system used by the Department that identifies prohibited purchasers of firearms, and into any other computer-based criminal intelligence information systems used by the Department that lists outstanding warrants (RCW 7.94.110).
- (b) The original receipt of surrendered firearms is filed with the court within 72 hours of service of an extreme risk protection order. A copy of the receipt shall also be properly maintained by the Department (RCW 7.94.090).
- (c) Any proofs of service for notices or orders are filed with the court.
- (d) Expired or terminated orders entered into computer-based systems by the Department are removed (RCW 7.94.110).

### **389.7 COURT-ORDERED FIREARMS SURRENDERS**

Authorized members should accept firearms and a concealed pistol license from any person who is the subject of an extreme risk protection order. The member receiving any firearm shall:

- (a) Record the person's name, address, and telephone number.
- (b) Record the serial number of the firearm.
- (c) Prepare an incident report and property report.
- (d) Provide a property receipt to the person who surrendered the firearms (RCW 7.94.090).
  - 1. The original receipt is to be forward to the Records Supervisor.
- (e) Package and submit the firearms in accordance with the Property and Evidence Policy.

## *Extreme Risk Protection Orders*

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### **389.8 RELEASE OF FIREARMS**

Firearms that were taken into custody or surrendered pursuant to an extreme risk protection order should be returned to the restrained person upon the expiration of the order, in accordance with the Property and Evidence Policy (RCW 7.94.100).

### **389.9 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Administrative Services Sergeant is responsible for review of an extreme risk protection order obtained by the Issaquah Police Department, to determine if renewal should be requested within the time prescribed by law (RCW 7.94.080).

### **389.10 STANDARD FOR ARREST**

When an officer has confirmed that a valid extreme risk protection order exists and has probable cause to believe the person has knowledge of the order and violated that order, the officer shall make an arrest and take the person into custody (RCW 10.31.100).

### **389.11 ORDERS TO SHOW CAUSE**

When the Department receives notice from the court of an order to show cause, the Investigation Section supervisor should consult with legal counsel, as appropriate, to address any requirements involving the Department, including the following (RCW 7.94.090):

- (a) Fulfilling any additional service requirements for the order to show cause
- (b) Providing the court a complete list of firearms surrendered by the person pursuant to the extreme risk protection order that are in the possession of the Department
- (c) Providing the court with verification that any concealed pistol license was surrendered by the person pursuant to the extreme risk protection order and that the agency with authority to revoke the license has been notified
- (d) Filing an affidavit with the court where there is reasonable suspicion that the person who is subject to the extreme risk protection order is not in full compliance with the terms, including the basis for the belief

## **Chapter 4 - Patrol Operations**



## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Issaquah, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol and other division within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies.
- (i) Traffic direction and control.

#### 400.1.2 TERRORISM

It is the goal of the Issaquah Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The Shift Supervisor should ensure that all terrorism related reports and FIs are forwarded to the Investigation Division Supervisor in a timely fashion.

### *Patrol Function*

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#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Issaquah Police Department. Patrol and other components of the Department will communicate with each other in-person or by written reports, e-mail, or memos.

##### **400.2.1 CRIME ANALYSIS UNIT**

The crime analysis function of the department will be primarily handled through the distribution of information through daily briefings and/or special bulletins.

Primary distribution of this information is the responsibility of the Patrol Sergeants through the daily briefings. The Detective Division or designee has the responsibility for coordinating the distribution of special bulletins or other crime analysis data.

##### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate sections for retention or follow-up investigation.

##### **400.2.3 PATROL BRIEFING**

The Patrol Sergeant or designee is responsible for conducting a daily briefing near the beginning of each patrol shift. All employees are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

The briefing time should be productive with periodic trainings included to encourage the sharing of information, investigative techniques and professional standards.

##### **400.2.4 BULLETIN BOARDS**

A bulletin board will be kept in for display of new Personnel Orders and/or Special Orders. A copy of the Personnel Orders and/or Special Order will be placed on the bulletin board. Department members should check their e-mail daily as the e-mail system also serves as a department briefing board. These Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or

### *Patrol Function*

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responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

#### 400.3.1 INITIATIVE SIGNATURE GATHERERS

The gathering of signatures for initiatives is constitutionally protected in the State of Washington. The rights of signature gatherers may take precedent over the sovereignty of the property/business owners regarding access for the purpose of collecting signatures. Facts determining whether a signature gatherer has a legal access to a particular site are complex and usually cannot be decided at the scene. Just because a property open to the public but privately owned by an individual or a corporation does not restrict signature gatherers from utilizing the property for the purpose of collecting signatures. Therefore, officers called to a property to remove or trespass signature gatherers should complete a report of the incident noting the owner's or manager's requests and refer the report to the City Prosecuting Attorney for review. The owner/manager should be told that a civil injunction or restraining order may be sought and to contact their attorney for advice, if they so desire. Signature gatherers and shall not be detained for that reason alone. When investigating a complaint of signature gathers, officers may approach the signature gatherer and request voluntary identification. They are not legally required to identify themselves. If they choose not to identify themselves, this information should be noted in your report. This does not preclude a person from being arrested for any other violation of the law, to include disorderly conduct, harassment or threats.

Signature gatherers do not have a right to gather signatures inside the doors to a business. However, they may set up card tables, chairs, etc outside the business as long as they do not block access into or out of the business. Signature gatherers may not prevent ingress and egress to a business, park or block a sidewalk in a manner that no one can pass. If they do so and refuse to move or relocate when instructed by law enforcement; enforcement action can be considered.

#### 400.3.2 SIGNATURE GATHERER INJUNCTION ORDERS

If a property owner obtains an injunction order or restraining order, it should be carefully reviewed to see if officers are mandated to take action. If the order specifically requires police action, a supervisor shall be called to the scene. If enforcement action is taken, a citation should be issued in lieu of booking the person into jail; unless the circumstances dictate that incarceration is required.

If police action is not mandated and the signature gatherers refuse to follow the order, the complainant should be advised that contempt of court charges may be civilly pursued.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Issaquah Police Department's commitment to policing that is fair and objective. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships) (RCW 43.101.410).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 402.2 POLICY

The Issaquah Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

#### 402.3.1 OTHER PROHIBITIONS

The Issaquah Police Department also condemns the illegal use of an individual or group's attire, appearance, or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution (RCW 43.101.419).

Additionally, members shall not collect information from a person based on religious belief, practice, or affiliation unless permitted under state law. Members shall not (RCW 42.60.020; RCW 42.60.030):

- (a) Provide or disclose to federal government authorities personally identifiable information about a person's religious belief, practice, or affiliation unless the member is being questioned as a witness to a crime.

## *Bias-Based Policing*

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- (b) Assist federal government authorities in compiling personal information about a person's religious belief, practice, or affiliation.
- (c) Investigate or enforce any requirement that a person register with the federal government or a federal agency based on religion.

### **402.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### **402.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### **402.4.2 REPORTING TRAFFIC STOPS**

Each time an officer makes a traffic stop, the officer shall report any demographic information required by the Department (RCW 43.101.410).

### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### *Bias-Based Policing*

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#### **402.6 STATE REPORTING**

Subject to any fiscal constraints, the Patrol Commander should review available data related to traffic stops, including demographic data, existing procedures, practices and training, as well as complaints. The data should be analyzed for any patterns or other possible indicators of racial- or bias-based profiling and included in an annual report for the Washington Association of Sheriffs and Police Chiefs (RCW 43.101.410(3)).

#### **402.7 ADMINISTRATION**

The Patrol Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report submitted to the Washington Association of Chiefs of Police and discuss the results with those they are assigned to supervise.

#### **402.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Division Commander (RCW 43.101.410).

## Briefing Training

### **404.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Personnel Orders, Special Orders or changes in Special Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer.

# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 406.2 POLICY

It is the policy of the Issaquah Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.



### *Crime and Disaster Scene Integrity*

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#### **406.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### **406.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

#### **406.6 EXECUTION OF HEALTH ORDERS**

Sworn members of this department shall enforce all lawful orders of the local health officer, issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (RCW 70.05.070; WAC 246-100-040(2)).

#### **406.7 ADMINISTRATIVE SERVICES COMMANDER RESPONSIBILITIES**

The Administrative Services Commander is responsible for ensuring procedures are established that are consistent with the Washington State Patrol Crime Laboratory Division Crime Scene Procedures Manual, including, but not limited to:

- (a) Ensuring reasonable access to qualified personnel, equipment and supplies for processing crime scenes.
- (b) Establishing procedures for collecting, processing and preserving physical evidence in the field.
- (c) Establishing procedures for photographing, video-recording and other imaging used to collect and preserve evidence.
- (d) Establishing procedures for processing, developing, lifting and labeling fingerprints.
- (e) Establishing procedures for the safe collection, storage, transportation and submission of biological and other evidence for DNA testing and evaluation.

# Special Operations Team

## 408.1 PURPOSE AND SCOPE

The Special Operations Team (SOT) has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. The Special Operations Team is not a SWAT Team and will strictly follow a deployment matrix approved by the Chief of Police. Any deployment request that exceeds the SOT capacity shall be referred to an outside agency SWAT Team.

### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The sections of this policy are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational sections serve as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 408.1.2 SPECIAL OPERATIONS TEAM DEFINED

A Special Operations Team (SOT) team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 408.2 POLICY

It shall be the policy of this department to maintain a SOT team and to provide the equipment, manpower, and training necessary to maintain a SOT team. The SOT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

## *Special Operations Team*

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### 408.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SOT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

### 408.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

### 408.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SOT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All SOT team members should have an understanding of operational planning.
  - 2. SOT team training should consider planning for both spontaneous and planned events.
  - 3. SOT teams should incorporate medical emergency contingency planning as part of the SOT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.

## *Special Operations Team*

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- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SOT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the SOT team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
    - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
    - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment deployed.

### **408.3 TRAINING NEEDS ASSESSMENT**

The SOT Commander shall conduct an annual SOT Training needs assessment to ensure that training is conducted within team capabilities and department policy.

#### **408.3.1 INITIAL TRAINING**

SOT team operators and SOT supervisors/team leaders should not be deployed until successful completion of a Criminal Justice Training Commission (CJTC) approved Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or standardized training recommendations.

## *Special Operations Team*

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### 408.3.2 UPDATED TRAINING

Appropriate team training for the specialized SOT functions and other supporting resources should be completed prior to full deployment of the team.

SOT team operators and SOT supervisors/team leaders should complete Department approved update or refresher training as necessary.

### 408.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SOT function at the organizational level to ensure personnel who provide active oversight at the scene of SOT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend Department approved SOT or Critical Incident Commander course or its equivalent. SOT command personnel should attend a SWAT commander or tactical commander course, or its equivalent.

### 408.3.4 SOT ONGOING TRAINING

Training shall be coordinated by the SOT Commander. The SOT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SOT member shall perform a physical fitness test each year. A minimum qualifying score must be attained by each team member.
- (b) Any SOT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (d) Once a year, each SOT team member shall perform the mandatory SOT handgun/ rifle qualification course. The qualification course shall consist of the SOT Basic Drill for the handgun and rifle. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SOT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

### 408.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

## *Special Operations Team*

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### 408.3.6 SCENARIO BASED TRAINING

SOT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 408.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Manager or designee. Such documentation shall be maintained in each member's individual training file. A separate agency SOT training file shall be maintained with documentation and records of all team training.

## **408.4 UNIFORMS, EQUIPMENT, AND FIREARMS**

### 408.4.1 UNIFORMS

SOT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 408.4.2 EQUIPMENT

SOT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency. Each SOT operator is responsible for the care and proper maintenance of their issued equipment.

### 408.4.3 FIREARMS

Weapons and equipment used by SOT, the specialized units, and the supporting resources shall be agency-issued or approved, including any modifications, additions, or attachments.

## **408.5 MANAGEMENT/SUPERVISION OF SPECIAL OPERATIONS TEAM**

The SOT Commander shall be selected by the Chief of Police upon recommendation of staff.

### 408.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, the Special Operations Team (SOT) shall be managed by a Commander with the assistance of a Team Leader(s), preferably of the rank of Sergeant or Corporal.

### 408.5.2 TEAM SUPERVISORS

The Special Operations Team will be supervised by a Team Leader.

The Team Leader shall be selected by the Chief of Police upon specific recommendation by staff and the SOT Commander.

The following represent the Team Leader responsibilities for the SOT.

- (a) The SOT Team Leader's primary responsibility is to supervise the operations of the SOT Team, which will include deployment, training, first line participation, and other duties as directed by the SOT Commander.

## *Special Operations Team*

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### **408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Issaquah Police Department does not maintain a Crisis Negotiation Team but will have officers training with basic negotiation skills. If a Crisis Negotiation Team is deemed necessary to accomplish an assigned mission or address a critical incident; Supervisors or Incident Commanders will request assistance from the King County Sheriff's Office or any other available Crisis Negotiation Team to meet that role.

### **408.7 SOT TEAM ADMINISTRATIVE PROCEDURES**

The Special Operations Team (SOT) was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The SOT is intended to handle situations that fall below that of a traditional Special Weapons and Tactics as defined by a threat matrix selected by the Chief of Police. However, it is possible that the SOT may need to respond, address or contain the incident until a SWAT callout is accomplished and the SWAT arrives.

The following procedures serve as directives for the administrative operation of the Special Operations Team.

#### **408.7.1 SELECTION OF PERSONNEL**

The following criteria are guidelines for determining the assignment to the Special Operations Team. The order of the tests will be given at the discretion of the SOT Commander. The testing process will consist of submission of letter of interest and resume, an oral board, physical agility, SOT basic handgun and rifle, and team evaluation.

- (a) Letter of Intent to join the SOT team.
- (b) Resume, to include their training, skills, and qualifications to join the SOT team.
- (c) Oral board: The oral board will consist of personnel selected by the SOT Commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by performance.
  - 2. Demonstrated good judgment and understanding of critical role of SOT member.
  - 3. Special skills, training, or appropriate education as it pertains to this assignment.
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
- (d) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SOT-related duties. The candidate must be able to pass the CJTC SWAT Basic physical test at the beginning of the time of appointment.

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- (e) SOT basic handgun and rifle: Candidates will be invited to shoot the CSPA SOT handgun and rifle qualification. A minimum qualifying score of 90% must be attained to qualify.
- (f) Team evaluation: Current team members will evaluate each candidate on his/her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.
- (g) A list of successful applicants shall be submitted to staff, by the SOT Commander, for final selection.

### 408.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SOT Commander. The performance and efficiency level, as established by the Team Leader, will be met and maintained by all SOT Team members. Any member of the SOT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

## **408.8 OPERATION GUIDELINES FOR THE SPECIAL OPERATIONS TEAM**

The following procedures serve as guidelines for the operational deployment of the Special Operations Team.

### 408.8.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Special Operations Team is to respond to the scene. Upon final determination by the Shift Supervisor, he/she will notify the SOT Commander.

### 408.8.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Special Operations Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Arrests of dangerous persons.
- (d) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 408.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Supervisor. Deployment of the Issaquah Police Department Special Operations Team in response to requests by other agencies must be authorized by a the on-call Command Staff.



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### 408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SOT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional tactical operations will regularly be conducted; tactical multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Issaquah Police Department SOT team shall operate under the policies, procedures and command of the Issaquah Police Department when working in a multi-agency situation.

### 408.8.5 MOBILIZATION OF SPECIAL OPERATIONS TEAM

The on-scene supervisor shall make a request to the on-call Command Staff for the Special Operations Team. The on-call Command Staff shall then notify the SOT Commander. If unavailable, a Team Leader shall be notified. A current mobilization list shall be maintained in the Communications Center by the SOT Commander.

As much of the following information which is available at the time should be provided to the SOT Commander and/or Team Leader:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SOT Commander or Team Leader shall then call selected officers to respond.

### 408.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SOT Team, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:

## *Special Operations Team*

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1. Securing any subject or suspect who may surrender.
  2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communication with the suspect. Once SOT has arrived, all negotiations should generally be halted to allow the negotiators and SOT time to set up.
- (f) Be prepared to brief SOT Commander on situation.
- (g) Plan for, and stage, anticipated resources.

### 408.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Operations Team at the scene, the Incident Commander shall brief the SOT Commander and Team Leaders about the situation. Upon review, it will be the Incident Commander's decision, with input from the SOT Commander, whether to deploy the Special Operations Team. Once the Incident Commander authorizes deployment, the SOT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Special Operations Team. The Incident Commander and the SOT Commander (or his/her designee) shall maintain communications at all times.

### 408.8.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Special Operations Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active operations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Special Operations Team personnel directly. All non-emergency communications shall be channeled through the Command Post, Incident Commander or his/her designee.

# Ride-Along Policy

## 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

### 410.1.1 ELIGIBILITY

The Issaquah Police Department Ride-Along Program is offered to residents and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age, without permission from the Chief of Police or designee.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

### 410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week. Ride-alongs will only be scheduled if patrol staffing is above minimum staffing. Exceptions to this schedule may be made as approved by the Chief of Police, Patrol Commander, or Shift Sergeant.

## 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Washington driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Shift Supervisor will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Shift Supervisor as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, ICaSt members, Chaplains, police applicants, and all others with approval of the Shift Supervisor.

## *Ride-Along Policy*

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Supervisor may refuse a ride along to anyone not properly dressed.

### **410.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Shift Supervisor. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

### **410.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Shift Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Records Section with any comments which may be offered by the officer.

### **410.4 CONTROL OF RIDE-ALONG**

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride-along at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

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### *Ride-Along Policy*

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- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Exposure to hazardous materials present potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 412.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which, by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 412.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Shift Supervisor as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

### 412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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### *Hazardous Material Response*

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To ensure the safety of members, PPE is available from supervisors. PPE items not maintained by this department may be available through the appropriate fire department or emergency response team.

#### **412.4 POLICY**

It is the policy of the Issaquah Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

#### **412.5 CONSIDERATIONS**

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify the Communications Center, appropriate supervisors, the appropriate fire department and hazardous response units.
  - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  - 1. Placards or use of an emergency response guidebook.
  - 2. Driver's manifest or statements or shipping documents from the person transporting the material.
  - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first-aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene and prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.

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### *Hazardous Material Response*

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- (j) Activate automated community notification systems, if applicable.
- (k) Dependent upon the substance and other specific conditions, consider initiating an emergency public notification or evacuation. The decision to initiate public notifications and/or evacuations shall be in accordance with the Issaquah Local Emergency Planning Committee (LEPC) procedures.



# Hostage and Barricade Incidents

## 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

## 414.2 POLICY

It is the policy of the Issaquah Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 414.2.1 NEGOTIATIONS MUTUAL AIDE

The responding officers and their supervisors should give consideration early on in a barricaded/ hostage situation to request mutual aide assistance from the King County Sheriff's Office or if unavailable any police agency that can supply a trained crisis negotiations team or officers to take over these types of sensitive negotiations.

## 414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

## *Hostage and Barricade Incidents*

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### **414.3.1 EMERGENCY COMMUNICATIONS**

A supervisor may order the telephone company to cut, reroute or divert telephone lines in order to prevent a suspect from communicating with anyone other than designated personnel in a barricade or hostage situation (RCW 70.85.100).

### **414.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **414.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

## *Hostage and Barricade Incidents*

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- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

## *Hostage and Barricade Incidents*

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- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

### **414.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit response if appropriate and apprising the Crisis Response Unit Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

### *Hostage and Barricade Incidents*

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#### **414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the Crisis Response Unit Commander, whether to deploy the Crisis Response Unit during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Crisis Response Unit Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the Crisis Response Unit. The Incident Commander and the Crisis Response Unit Commander or the authorized designee shall maintain communications at all times.

#### **414.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### **416.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide guidelines to assist members of the Issaquah Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### **416.2 POLICY**

It is the policy of the Issaquah Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### **416.3 RECEIPT OF BOMB THREAT**

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### **416.4 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

#### **416.4.1 ISSAQUAH POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Issaquah Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### **416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Issaquah Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Supervisor deems appropriate.

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### **416.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### **416.5 BOMB THREATS RECEIVED AT NON-POLICE FACILITY**

This procedure shall be followed should a bomb threat call be received at a location other than a police facility.

#### **416.5.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions shall be asked if a call of a bomb is received:

- Time of the call.
- Exact words of the person as accurately as possible.
- Age and sex.
- Speech patterns and/or accents.
- Background noises.
- When is the bomb going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?

If the incoming call is received at a facility with a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

#### **416.5.2 RESPONSIBILITIES**

As soon as a bomb threat has been received, the Shift Supervisor will be advised and fully informed of the details. The Shift Supervisor will then direct and assign officers as required for coordinating with the appropriate decision making personnel at the location of the bomb threat as to whether to conduct a general building search or evacuation as appropriate.

### **416.6 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Issaquah, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

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- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

### 416.6.1 ASSISTANCE

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.



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### **416.7 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:
  - 1. The time of discovery.
  - 2. The exact location of the device.
  - 3. A full description of the device (e.g., size, shape, markings, construction).
  - 4. The anticipated danger zone and perimeter.
  - 5. The areas to be evacuated or cleared.

### **416.8 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

#### **416.8.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

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- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

# Emergency Detentions

## 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under an emergency detention.

## 418.2 POLICY

It is the policy of the Issaquah Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

## 418.3 AUTHORITY

An officer may take a person into emergency detention when either (RCW 71.05.150; RCW 71.05.153; RCW 71.05.201; RCW 71.34.710; Chapter 302, §67, Laws of 2020):

- (a) There is reasonable cause to believe that a person is suffering from a behavioral health disorder (e.g., mental disorder, substance abuse disorder) and presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled
- (b) The officer has received an order authorizing emergency detention from a court or a designated crisis responder

Persons taken into emergency detention should be transported to an appropriate facility as soon as practicable.

### 418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention process, if appropriate.

## 418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.

## *Emergency Detentions*

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- (d) Community or other resources available to assist in dealing with behavioral health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with behavioral health disorders who are suspected of committing minor crimes or creating other public safety issues.

### **418.5 TRANSPORTATION**

When taking any individual into emergency detention, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for an emergency detention and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

### **418.7 DOCUMENTATION**

The officer should complete an application for emergency detention, provide it to the facility staff member assigned to the individual, and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### **418.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

## *Emergency Detentions*

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When an individual who may qualify for emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for emergency detention.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard), and other relevant factors in making this decision.

### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into emergency custody, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

### **418.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with persons with behavioral health disorders, emergency detentions and crisis intervention.

## Citation Releases

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Issaquah Police Department with guidance on when to release adults who are suspected offenders on a citation and notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

### 420.2 POLICY

The Issaquah Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation and notice to appear in court, when authorized to do so.

#### 420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

### 420.3 RELEASE

A suspected offender may be released on issuance of a citation and notice to appear in court by an officer whenever a person is arrested or could have been arrested pursuant to statute for a violation of law which is punishable as a misdemeanor or gross misdemeanor (Criminal Rules, CrRLJ 2.1(b)(1)).

#### 420.3.1 JAIL RELEASE

In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. With a supervisors approval the person arrested may instead be released from the jail after booking.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless disqualified for reasons listed in Policy Manual § 420.3.3.

## *Citation Releases*

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### 420.3.2 DISQUALIFYING CIRCUMSTANCES

In determining whether to release the person or to hold him or her in custody, officers shall consider the following factors (CrRLJ 2.1 (b)(2)):

- (a) Whether the person has identified himself or herself satisfactorily.
- (b) Whether detention appears reasonably necessary to prevent imminent bodily harm to himself, herself, or another, or injury to property, or breach of the peace.
- (c) Whether the person has ties to the community reasonably sufficient to assure his/her appearance or whether there is substantial likelihood that he or she will refuse to respond to the citation and notice.
- (d) Whether the person previously has failed to appear in response to a citation and notice issued pursuant to this rule or to other lawful process.
- (e) Whether the person is held on a court mandated holds for offenses such as domestic violence charges.
- (f) Whether the person is charged with Driving Under the Influence.
- (g) Whether the person is charged with a crime of Domestic Violence.
- (h) Required holds mandated by Issaquah Municipal Court.

### 420.3.3 INSTRUCTIONS TO CITED PERSON

The citing officer shall, at the time he/she issues the defendant the notice to appear, call attention to the place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

### 420.4 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the RCW (RCW 13.04.030(1)(e))

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Division for further action including diversion.

# Arrest or Detention of Foreign Nationals

## 422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Issaquah Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 422.2 POLICY

The Issaquah Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:



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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **422.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **422.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts. Testimony may not be compelled in any case.	No for official acts. Yes otherwise (note a).	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise.	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts. Yes otherwise.	No for official acts. Yes otherwise (note a).	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts. Yes otherwise (note c).	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts. Yes otherwise.	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Rapid Response and Deployment

## 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

## 424.2 POLICY

The Issaquah Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the department in protecting themselves or others from death or serious injury.

## 424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat officers decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be made based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel, This does not preclude an individual officers from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### **424.3.1 BALLISTIC PLATES FOR DEPLOYMENT**

All patrol vehicles are supplied with heavy ballistic plates in a vest carrier in the trunk. Officers that decide to take immediate action as described in 424.3.1(c) should wear the heavy ballistic plates for increased protection.

### **424.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### **424.5 PLANNING**

The Operations Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

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#### **424.6 SCHOOL NOTIFICATION**

The Operations Commander should establish protocols for public and private school notification in the event an incident reasonably appears to require a lockdown or evacuation. Protocols should include notification to all known schools in the vicinity of the incident that may be similarly threatened (RCW 28A.320.125).

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Issaquah Police Department relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

## 428.2 POLICY

It is the policy of the Issaquah Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or Washington constitutions.

## 428.4 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The office may provide available support services, such as traffic control or peacekeeping efforts.

## 428.5 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in office records
- (c) Exchanging such information with any other federal, state, or local government entity

### 428.5.1 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of the any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from ICE

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- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

### **428.6 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the detective supervisor assigned to oversee the handling of any related case. The detective supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, insuring the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (RCW 7.98.020).
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Insuring any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **428.6.1 TIME FRAME FOR COMPLETION**

The Investigation Section supervisor should ensure that the certification for the U visa or T visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received. The certification may be withdrawn only if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the Department (RCW 7.98.020).

#### **428.6.2 U VISA AND T VISA DOCUMENTATION AND REPORTING**

The Investigation Section supervisor shall keep written documentation regarding the number of certification forms that are (RCW 7.98.020):

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied.
- (d) Withdrawn.



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The Investigation Section supervisor or the authorized designee should ensure that the information collected regarding certification forms is reported annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

### **428.7 WASHINGTON STATE IMMIGRATION RESTRICTIONS**

Members shall not (RCW 10.93.160):

- (a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.
- (b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.
- (c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.
- (d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.
- (e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.
- (f) Detain individuals solely for the purpose of determining their immigration status.
- (g) Take a person into custody or hold a person in custody:
  - 1. Solely for the purposes of determining immigration status
  - 2. Based solely on a civil immigration warrant issued by a federal immigration authority
  - 3. On an immigration hold request

#### **428.7.1 SCHOOL RESOURCE OFFICERS**

Members who are school resource officers shall not (RCW 10.93.160):

- (a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.
- (b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.

## Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 430.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, Public Works personnel should be called as soon as practical by the Communications Center.

#### 430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines or street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company and Public Works should be promptly notified, as appropriate.

#### 430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, Public Works personnel should be contacted as soon as possible.

#### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

### 430.2 TRAFFIC SIGNAL MAINTENANCE

The City of Issaquah provides maintenance for all traffic signals within the City, other than those maintained by the State of Washington.

#### 430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal.

#### 430.2.2 COM CENTER RESPONSIBILITY

The Communication Center staff should contact Public Work Operations or the on-call Public Works person to determine whether Public Works will handle the outage or how to notify the proper maintenance agency.

# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Issaquah Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, productive and professional manner.

## 436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 436.2.1 SELECTION PROCESS

All FTO's are selected by the Chief of Police with supervisor recommendations.

FTO's will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of three years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTO's.
- (f) Holds a valid Peace Officer Certificate with CJTC.

### 436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a CJTC Certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Program Sergeant will be selected from the rank of sergeant by the Patrol Commander or his/her designee and shall possess a CJTC Supervisory Certificate.

The FTO Program Sergeant shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to FTO's.
- (b) Conducting FTO meetings.
- (c) Maintain and ensure FTO/Trainee performance evaluations are completed.

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- (d) Monitor individual FTO performance.
- (e) Monitor overall FTO Program.
- (f) Maintain liaison with other agency's FTO Coordinators.
- (g) Develop ongoing training for FTO's.
- (h) Certify a successful candidate have completed the Field Training Program.
- (i) Maintain liaison with academy staff on recruit performance during the academy.

### **436.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Issaquah Police Department who has not completed the FTO Program.

### **436.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.

#### **436.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Issaquah Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations enacted by the Issaquah Police Department.

### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO program supervisor on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.

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- (c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### **436.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the FTO Weekly Evaluations and forward them to the Field Training Sergeant and Patrol Commander.

### **436.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Sergeant will review and approve the FTO Weekly Evaluation submitted by the FTO through his/her immediate supervisor.

### **436.6.4 TRAINEE**

At the completion of the Field Training Program, all the trainees shall participate in a pre-release interview panel, arranged by the Patrol Commander, to determine if the trainee should be released from training or extend into additional training. The trainee shall submit a confidential performance evaluation on each of their FTO's and on the Field Training Program to the Commander.

## **436.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.
- (d) Commander Interview Recommendation

## Obtaining Aircraft Assistance

### 438.1 PURPOSE AND SCOPE

The use of a police aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of an aircraft may be requested and the responsibilities for making a request.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor in charge of an incident determines that the use of a helicopter/airplane would be beneficial, a request to obtain aircraft assistance may be made to the appropriate agency.

#### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for an aircraft, the Shift Supervisor, will call the closest agency having air support available. The Shift Supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

#### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police aircraft may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of a helicopter or airplane may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of an aircraft will rarely replace the need for officers on the ground.

## Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 440.1.1 DEFINITIONS

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 440.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Issaquah Police Department to strengthen community involvement, community awareness, and problem identification.

## *Contacts and Temporary Detentions*

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### **440.2.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

### **440.3 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, pat-down searches should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

### **440.4 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.



### *Contacts and Temporary Detentions*

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#### 440.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

#### 440.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based on reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

#### 440.4.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photo and associated FI or memorandum is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photo and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### 440.4.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## *Contacts and Temporary Detentions*

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### **440.5 POLICY**

The Issaquah Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### **440.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, [officers/deputies] should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## Shift Supervisors

### **444.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each squad.

### **444.2 DESIGNATION AS SHIFT SUPERVISOR**

When a Sergeant is unavailable for duty, in most instances the Corporal shall be designated as supervisor. This policy does not preclude designating a less senior officer as Acting Corporal to act as a supervisor when operational needs require or training permits.

# Automatic Vehicle Location System

## 445.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide general guidelines for employees utilizing the Automatic Vehicle Location (AVL) system. This policy applies to all employees utilizing the AVL system.

This AVL system or data shall not be used to generate questions or investigations or be the sole catalyst of a complaint.

## 445.2 SYSTEM OVERVIEW

The GPS derived locations of vehicles equipped with AVL are transmitted to map displays visible to dispatch and patrol units. The AVL system is designed to increase employee safety, to increase dispatching effectiveness, and to facilitate the effective coordination, management, and usage of patrol resources and operations.

## 445.3 EMPLOYEE RESPONSIBILITIES

It is the responsibility of the employee to check the equipment in the vehicle or laptop at the beginning of each shift to see if it is operating properly. Any identified malfunction, damage or deviation in the operating conditions of the equipment will be immediately reported to the on-duty supervisor.

## 445.4 AVL USE REQUIRED

Employees are required to keep their GPS functioning with their Automatic Vehicle Location system while operating a vehicle equipped with the AVL system, unless prior approval is received from the Chief of Police or designee to turn off the GPS system.

Employees shall not take steps to bypass the GPS connection or block the signal to the GPS antenna.

## 445.5 REVIEW OF AVL DATA

### (a) Recorded AVL data

Recorded AVL data may only be reviewed by an employee (with supervisor assistance) or by someone other than the employee under the following circumstances:

1. By a supervisor investigating a specific act of employee misconduct, or a department employee, after supervisor approval, who is participating in an official investigation, such as an administrative investigation or criminal investigation.
2. By Records personnel, processing public records requests or court requests.

Prior to the review of any recorded data by anyone other than the employee, the individual seeking to review or obtain the data shall record the basis for reviewing/obtaining the data in an email to the reviewing employee's immediate supervisor. If the data is being reviewed/obtained to investigate

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a specific act of employee misconduct, the alleged misconduct shall be included in the recorded basis.

(b) Live AVL data

1. Live AVL data shall consist only of direction of travel and location.
2. Live AVL data will be available for live viewing to all Department members.
3. Live AVL data may be used by Corporals and Sergeants for the day-to-day management of personnel assigned to them, provided such data will not be used as the sole basis for a rating within a member's performance evaluation. Live AVL data will not be the sole basis to file an administrative complaint. Any concerns that arise from a supervisor watching the live AVL data shall be addressed with the employee as soon as possible.

# Mobile Data Computer Use

## 448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

## 448.2 POLICY

Issaquah Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 448.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 448.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift Sergeants.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 448.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **448.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a communication specialist should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a communication specialist.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### **448.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

##### **448.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure the Shift Supervisor is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

#### **448.6 EQUIPMENT CONSIDERATIONS**

##### **448.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the communication specialist to document all information that will then be transmitted verbally over the police radio.

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#### 448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.



# Mobile Identification Violation

## 449.1 PURPOSE AND SCOPE

King County's regional Automated Fingerprint Identification System (AFIS) program has initiated a biometric handheld fingerprint identification device project, more commonly known as a Mobile Identification Device or Mobile ID, involving the use of wireless remote fingerprint identification throughout the county. The project is designed to assist in identifying persons whose identities are in question. While the fingerprint verification process already exists in King County, Mobile ID moves this function to law enforcement first responders, resulting in a more timely identification process.

Issaquah Police Department has agreed to participate in this project and this policy will provide direction for the use of Mobile ID.

### 449.1.1 MOBILE ID FUNCTION

The system scans the fingerprints at the Mobile ID device and transmits wirelessly to the King County AFIS. If the fingerprints are in the AFIS database, a positive match returns the person's specific identifiers to the Mobile ID device or officer's mobile computer.

## 449.2 DESIGNATED USERS

At the direction of the Chief of Police or designated Division Commander; an officer(s) shall be assigned as Mobile ID users. Only officers trained by AFIS program staff and operating under the guidelines of the Mobile ID project may use the device.

## 449.3 MOBILE ID USAGE

The use or retention of any Mobile ID-collected data shall conform to federal and state laws. Use must also conform to individual agency policy as well as the AFIS program procedure as follows:

- (a) An officer may use Mobile ID when there is probable cause to arrest a suspect.
- (b) An officer may also use Mobile ID during a Terry Stop based upon reasonable suspicion. If a person provides a driver's license or other valid means of identification, or gives the officer a name that can be confirmed through a driver's license check, that form of identification should suffice without the use of Mobile ID. However, if there are articulable facts that give rise to reasonable suspicion regarding the accuracy of a person's identity, the officer may use Mobile ID to verify identity.
- (c) Absent probable cause or reasonable suspicion of criminal activity, a person may consent to an officer's request to use Mobile ID. However, the consent must be voluntary as defined by current Washington case law; i.e., the person must be informed that he/she has a right to refuse the officer's request.
- (d) An officer may use Mobile ID as part of a community caretaking function to identify a person when:

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### *Mobile Identification Violation*

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- (a) The person is unable to identify himself/herself because they are deceased, unconscious, physically injured, intoxicated (drugs or alcohol), or suffering from a mental illness or dementia (for instance, Alzheimer's walk-away patient), and
- (b) The officer does not find any identification, and
- (c) The officer takes the person into protective custody (for example, under RCW 70.96.120(2) (alcohol), RCW 71.05, 71.34 (mental health), or similar statutes, or to render aid such as having the person transported to the hospital, or to identify and protect an elderly dementia person who is lost.

e. Use of the device shall be documented in any report generated as a result of the contact. The officer must articulate the specific facts that support the basis for the use of Mobile ID and must state the voluntary compliance of the Mobile ID if used without arrest, probable cause, or reasonable suspicion.

#### 449.3.1 USAGE REDIRECTED

In the event that lack of usage by the assigned officer(s) is a concern to the program office, the AFIS program will communicate with the agency and provide retraining and/or direct a reassignment of the device.

#### 449.3.2 UNAUTHORIZED USAGE

Any use of the device not consistent with this policy and/or law enforcement purposes may result in reassignment or forfeiture of the device, and/or a deactivation of access to the AFIS database. Additionally, any violation of the Mobile ID policy/procedure, or of federal or state law, may subject the officer(s) to internal discipline.

## Portable Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties (RCW 10.109.010). Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Issaquah Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 450.2 POLICY

The Issaquah Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of the department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will check their car kits in an effort to carry a portable audio recorder. If the kit contains a recorder, test to assure that the recorder is in good working order.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

When using a recorder, the assigned member shall record his/her name, employee number and the current date and time at the beginning and the end of each period of use.

### 450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

## *Portable Audio/Video Recorders*

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- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and ensuring the announcement is recorded except pursuant to a warrant, or when the communication is of an emergency nature or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030).

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

### 450.5.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

### 450.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

### 450.5.3 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

## *Portable Audio/Video Recorders*

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### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

### **450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### **450.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

### *Portable Audio/Video Recorders*

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Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **450.9 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

##### **450.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

# Medical Marijuana

## 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under Washington's Medical Use of Cannabis Act and criminal controlled substance violations (RCW 69.51A.005 et seq.).

### 452.1.1 DEFINITIONS

Definitions related to this policy include (RCW 69.51A.010):

**Authorization** - Documentation that is signed and dated by a qualifying patient's health care professional, authorizing use of medical marijuana.

**Designated provider** - A person who:

- Is 21 years of age or older and is the parent or guardian of a qualifying patient who is 17 years of age or younger and holds a recognition card.
- Has been designated in writing by a qualifying patient to serve as the designated provider for that patient.
- Has an authorization from the qualifying patient's health care professional.
- Has been entered into the medical marijuana authorization database as being the designated provider to a qualifying patient and has been provided a recognition card.

An individual can act as a designated provider to no more than one patient at a time and is prohibited from consuming marijuana obtained for the use of the qualifying patient and may only provide marijuana to the patient designated to the provider.

**Medical use of marijuana** - The manufacture, production, possession, transportation, delivery, ingestion, application or administration of marijuana for the exclusive benefit of a qualifying patient in the treatment of his/her terminal or debilitating medical condition.

**Qualifying patient** - Any person who meets all of the following criteria:

- Has been diagnosed by his/her health care professional as having a terminal or a debilitating medical condition.
- Is a resident of the state of Washington at the time of such diagnosis.
- Has been advised by his/her health care professional about the risks and benefits of the medical use of marijuana.
- Has been advised by the health care professional that he/she may benefit from the medical use of marijuana or has been entered into the medical marijuana authorization database and has been provided a recognition card.
- Has an authorization from his/her health care professional.
- Is not under supervision for a crime that does not allow for the use of medical marijuana.

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**Recognition Card** - A card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization database.

### **452.2 POLICY**

It is the policy of the Issaquah Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Washington medical marijuana laws are intended to provide protection from prosecution for those who use, possess, deliver or produce marijuana to mitigate the symptoms of certain debilitating or terminal medical conditions. However, Washington medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana.

Officers should exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both the individuals protected under Washington law and the resources of the Department.

### **452.3 INVESTIGATION**

Investigations involving the possession, delivery or production of marijuana generally fall into one of several categories:

- (a) No medicinal claim is made.
- (b) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts within the limits designated by RCW 69.51A.040.
- (c) A medicinal claim is made by a qualifying patient or designated provider who is in possession of amounts exceeding the limits designated by RCW 69.51A.040 or who presented no authorization when initially contacted.

#### **452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery or production of marijuana where there is no claim that the marijuana is for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana is possessed or produced for medicinal purposes.

#### **452.3.2 MEDICAL CLAIMS BY QUALIFYING PATIENTS OR DESIGNATED PROVIDERS**

A qualifying patient or designated provider who was entered into the medical marijuana authorization database and who possesses a valid recognition card should not be arrested or cited if he/she possesses no more than six plants in his/her residence with up to 8 ounces of useable marijuana from these plants and any of the following (RCW 69.51A.040; RCW 69.51A.043):

- (a) 48 ounces of marijuana-infused product in solid form



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- (b) 3 ounces of useable marijuana
- (c) 216 ounces of marijuana-infused product in liquid form
- (d) 21 grams of marijuana concentrates

A qualifying patient may be allowed to possess up to 15 plants with up to 16 ounces of useable marijuana in his/her residence for the personal medical use of the patient with appropriate health care professional authorization (RCW 69.51A.210).

Qualifying patients and designated providers may only purchase marijuana at a retail outlet at the same quantities as non-patients (RCW 69.50.360) if they do not have the appropriate authorization (RCW 69.51A.210). Qualifying patients and designated providers may purchase immature plants or clones as defined in RCW 69.50.101 and marijuana seeds from a licensed marijuana producer (RCW 69.51A.310).

If a person is both a qualifying patient and a designated provider for another, he/she may possess no more than double the amounts described above (RCW 69.51A.040(1)).

Officers may take enforcement action against a designated provider even when the above thresholds are not exceeded if there is evidence that the provider has converted the marijuana for his/her personal use or benefit or has provided for more than one patient within a 15-day period (RCW 69.51A.040).

Officers may take enforcement action against a qualifying patient even when the above thresholds are not exceeded if there is evidence that the patient possesses or uses the marijuana for his/her personal, non-medical use or benefit (RCW 69.51A.040).

### 452.3.3 EXCESS AMOUNTS OR NO AUTHORIZATION

A qualifying patient or designated provider may raise an affirmative defense to charges that the amount of marijuana in his/her possession exceeds the amount legally allowed by RCW 69.51A.040 or that he/she presented no authorization when initially contacted by law enforcement (RCW 69.51A.045).

Officers should conduct a thorough investigation in such cases, but in general, should not arrest a subject for possession, delivery or production of marijuana if an excess amount appears reasonable based upon the above policy considerations. Similarly, if an officer can verify that authorization exists, even though a recognition card was not presented or obtained by a qualified patient or designated provider, an arrest generally should not be made (RCW 69.51A.043).

All facts should be thoroughly documented and if evidence is not seized, it shall be photographed and detailed in the report.

### 452.3.4 ADDITIONAL CONSIDERATIONS

Prior to making a physical arrest or confiscating cannabis plants, usable cannabis or product, officers should consider the following:

- (a) Whenever the initial investigation reveals an amount greater than specified by law, officers should, in anticipation of an affirmative defense, consider and document:

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1. The medical condition itself.
  2. The quality of the marijuana (chemical content).
  3. The method of ingestion (e.g., smoking, eating, nebulizer).
  4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  5. Whether the marijuana is being cultivated indoors or outdoors, and the climate.
- (b) Before proceeding with enforcement related to collective gardens, cooperatives or commercial producers, officers should consider conferring with appropriate legal counsel and the Washington State Liquor and Cannabis Board for license-related issues (WAC 314-55-410).
- (c) Medical use and possession of marijuana authorized under the Washington medical marijuana statute does not support the forfeiture of property as set forth in the Asset Forfeiture Policy (RCW 69.51A.050).
- (d) Laws and regulations do provide for the cultivation of industrial hemp. The Washington State Department of Agriculture should be contacted should questions arise regarding possible industrial hemp activity (RCW 15.120.020).
- (e) A medical endorsement can be added to a marijuana retail license to allow a retailer to sell marijuana for medical use to qualifying patients and designated providers. Transaction limits apply (WAC 314-55-080; WAC 314-55-095).
- (f) The Washington State Department of Health maintains a Medical Marijuana Authorization Database and regulates marijuana retail outlets with medical marijuana endorsements. This database may be accessed by authorized law enforcement officials for specific criminal investigations (WAC 246-71-010 et seq.).

### **452.4 EXCEPTIONS**

This policy does not apply to the following offenses; officers may take enforcement action if the person (RCW 69.51A.060):

- (a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway, including violations of RCW 46.61.502 or RCW 46.61.504, or equivalent local ordinances.
- (b) Uses or displays medical marijuana in a manner or place open to the view of the public.
- (c) Produces fraudulent documentation.

### **452.5 FEDERAL LAW ENFORCEMENT**

Officers may exchange information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or

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whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

#### **452.6 PROPERTY SUPERVISOR RESPONSIBILITIES**

The owner notification and destruction procedure of this property will be followed as in the Property and Evidence policy under the Release Of Property section. However, the Evidence Room Supervisor shall not return any marijuana, drug paraphernalia, or related property that was seized unless presented with a valid court order requiring the return of such evidence, or by special circumstance authorized by police administration.

The Evidence Room Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Section Supervisor.

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## Bicycle Patrol Unit

### 454.1 PURPOSE AND SCOPE

The Issaquah Police Department has authorized Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Sergeant.

### 454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to the Patrol Commander or designee. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### 454.3.1 BICYCLE PATROL UNIT SUPERVISOR

Supervisors shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Ensuring the inspection and maintenance inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating bicycle activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol.

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### **454.4 TRAINING**

Participants in the program must complete an initial department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **454.5 UNIFORMS AND EQUIPMENT**

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches and department-approved bicycle patrol pants or shorts.

Optional equipment includes jacket in colder weather, turtleneck shirts or sweaters when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

### **454.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.

Bicycles are considered vehicles and are subject to laws, regulations, and privileges applicable to the operation of vehicles upon the highway (RCW 46.04.670).

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a police decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front lights and rear reflectors or lights, and brakes satisfying the requirements of RCW 46.61.780.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with at least one blue lamp and a siren capable of giving an audible signal (RCW 46.37.190; WAC 204-21-130).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify, or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

#### **454.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with applicable codes under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and/or tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

It shall be the policy of this department that all other bicycle operation shall be in compliance with the rules of the road except when responding to an emergency call or when in the pursuit of an actual or suspected violator. An emergency response or pursuit shall be conducted only with emergency lights and siren and under the conditions required by RCW 46.61.035 and with due regard and caution for the safety of all persons using the highway as required by RCW 46.61.035(4).

## Foot Pursuits

### 456.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 456.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

### 456.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.

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- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

### **456.4 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the communication specialist or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no



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immediate threat to department members or the public if the suspect is not immediately apprehended.

- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

### **456.5 RESPONSIBILITIES IN FOOT PURSUITS**

#### **456.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the communication specialist of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### **456.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

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#### **456.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

#### **456.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the communication specialist is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a Shift Supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

#### **456.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

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- (k) A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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## Automated License Plate Readers

### 462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPR is used by the Issaquah Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Patrol Commander or designee. The Patrol Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department should operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

### 462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Issaquah Police Department, and because such data may contain confidential ACCESS information, it is not open

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to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Patrol Commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server shall be stored according to the [Washington State Law Enforcement Records Retention Schedule](#) and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

#### **462.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Issaquah Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

# Homeless Persons

## 465.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Issaquah Police Department recognizes that members of the homeless community are often in need of special protection and services. The Issaquah Police Department will address these needs in balance with the overall missions of this department. Therefore, officers will consider the following policy sections when serving the homeless community (see the Emergent Detentions Policy).

### 465.1.1 POLICY

It is the policy of the Issaquah Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 465.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 465.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a vulnerable adult and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.
- (h) Document any facts indicating that the offense was intentionally committed because the victim was homeless or perceived to be homeless (RCW 9.94A.535).

### **465.3 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Park's Department.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Park's Department if such property appears to involve a trespass, blight to the community or is the subject of a complaint. .

### **465.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention.

When a mental illness detention is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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#### **465.5 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



# Public Recording of Law Enforcement Activity

## 466.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

## 466.2 POLICY

The Issaquah Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

## 466.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

## 466.4 OFFICER/DEPUTY RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **466.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **466.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

# Medical Aid and Response

## 467.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

## 467.2 POLICY

It is the policy of the Issaquah Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 467.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED), and nasal Naloxone) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by emergency medical services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex and age, if known.
  - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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#### **467.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **467.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergent detention in accordance with the Emergent Detentions Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **467.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **467.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

### *Medical Aid and Response*

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The Patrol Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **467.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A semi-automatic external defibrillator or AED should only be used by members who have completed a course approved by the Washington State Department of Health (DOH) that includes instruction in CPR and the use of an AED (RCW 70.54.310).

##### **467.8.1 AED USER RESPONSIBILITY**

Members who use AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Division Commander who is responsible for ensuring appropriate maintenance.

### *Medical Aid and Response*

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS (RCW 70.54.310).

#### **467.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use. Any data from usage shall be made available, upon request, to EMS or other health care providers (RCW 70.54.310).

#### **467.8.3 AED TRAINING AND MAINTENANCE**

The Training Managers should ensure appropriate training is provided to members authorized to use an AED.

The Training Managers are responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance in accordance with the established records retention schedule (RCW 70.54.310).

### **467.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the health care practitioner who prescribed the overdose medication for use by the member (RCW 69.41.095).

#### **467.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to their division Commander.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

#### **467.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Division Commander will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

#### **467.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Division Commander should ensure training is provided to members authorized to administer opioid overdose medication.

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#### **467.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **467.11 FIRST AID TRAINING**

Subject to available resources, the Division Commander should ensure officers receive periodic first aid training appropriate for their position.



## Civil Disputes

### 468.1 PURPOSE AND SCOPE

This policy provides members of the Issaquah Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Washington law.

### 468.2 POLICY

The Issaquah Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

### *Civil Disputes*

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#### **468.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

##### **468.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items (RCW 26.50.080). Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or he/she may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **468.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **468.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

## *Civil Disputes*

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### 468.6.1 REQUEST TO REMOVE TRESPASSER DECLARATION

Officers possessing a lawful declaration signed under penalty of perjury and in the form required by law, may take enforcement action to remove a person from a residence when (Chapter 284 § 1, 2017 Washington laws):

- The person has been allowed a reasonable opportunity to secure and present evidence that the person is lawfully on the premises
- The officer reasonably believe he/she has probable cause to believe the person is committing criminal trespass under RCW 9A.52.070

An officer should give the trespasser a reasonable opportunity to vacate the premises before taking enforcement action.

# Crisis Intervention Incidents

## 469.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 469.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 469.2 POLICY

The Issaquah Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 469.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

## *Crisis Intervention Incidents*

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **469.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate a Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **469.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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### **469.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **469.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that Dispatch provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **469.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

## *Crisis Intervention Incidents*

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Patrol Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **469.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **469.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Emergency Detentions Policy.

#### **469.9.2 SUICIDE THREATS OR ATTEMPTS**

Officers should consider a referral to mental health services when a person has threatened or attempted suicide and the person does not qualify for emergency detention or voluntarily consent to immediate evaluation at a behavioral health facility (RCW 71.05.457).

- (a) Referrals should be made to the person by providing the name and phone number of the behavioral health agency and any available handouts.
- (b) The officer may notify the behavioral health agency of the referral by phone or other method, in addition to preparing a written incident report.

Incident reports documenting a referral to a behavioral health agency should be sufficiently detailed regarding the nature of the incident and the person's behavior, to facilitate the behavioral health agency's prioritization and nature of their response. The officer should promptly provide a copy of the report to the referred behavioral health agency (RCW 71.05.457).

### **469.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and in the jail.

## *Crisis Intervention Incidents*

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- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

### **469.11 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Training shall include mandated training in crisis intervention, certified by the Criminal Justice Training Commission, as required by Washington law (RCW 43.101.427; WAC 139-09-020 et seq.).



# First Amendment Assemblies

## 470.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 470.2 POLICY

The Issaquah Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 470.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, and leafleting. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting and other criminal activity.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### **470.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **470.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **470.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **470.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### **470.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **470.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM) devices should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **470.8 ARRESTS**

The Issaquah Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

#### **470.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **470.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should

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promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

# Aircraft Accidents

## 471.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 471.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 471.2 POLICY

It is the policy of the Issaquah Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 471.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

## 471.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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### **471.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **471.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

### **471.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

## *Aircraft Accidents*

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

### **471.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Issaquah shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of IPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **471.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **471.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **471.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should



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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## **Chapter 5 - Traffic Operations**

# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

### 500.1.1 TRAFFIC SECTION PRIMARY RESPONSIBILITIES

The Traffic Section shall have primary responsibility for traffic functions including:

- (a) Selective Enforcement in response to community demand:
  - 1. Operation of speed measuring devices
  - 2. Parking enforcement
  - 3. Traffic law enforcement
  - 4. Traffic complaints
  - 5. Commercial truck enforcement
- (b) Traffic safety and education liaison with local citizen groups.
- (c) Provide emergency support to Patrol Division.
- (d) Analysis of accident reports and records in conjunction with the Engineering Department.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Issaquah Police Department. Information provided by the Electronic Traffic Information Processing (eTRIP) data retrieval system is a valuable resource for traffic accident occurrences and officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when

## *Traffic Function and Responsibility*

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appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

### **500.3 ENFORCEMENT**

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

#### **500.3.1 WARNINGS**

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

#### **500.3.2 CITATIONS**

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

#### **500.3.3 ARRESTS FOR TRAFFIC OFFENSES**

Officers may issue a traffic citation for any criminal traffic offense or infraction when such violations are committed in an officer's presence or as allowed pursuant to RCW 10.31.100. With limited exceptions, the detention in such cases may not be for a period of time longer than is reasonably necessary to issue and serve a citation to the violator.

A traffic-related detention may expand to a physical arrest under the following circumstances:

- (a) When the officer has probable cause to believe that a felony has been committed, whether or not it was in the officer's presence
- (b) When the offense is one or more of the traffic violations listed in RCW 10.31.100
- (c) When a driver has been detained for a traffic offense listed in RCW 46.63.020 and fails to provide adequate identification or when the officer has reasonable grounds to believe that the person to be cited will not respond to a written citation. In such cases,

## *Traffic Function and Responsibility*

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officers should, when practicable, obtain the approval of a supervisor before making an arrest.

### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

#### **500.4.1 SUSPENDED, REVOKED OR CANCELED COMMERCIAL LICENSE PLATES**

If an officer contacts a traffic violator who is operating a commercial truck, truck tractor or tractor with registration that a computer check confirms to be revoked, suspended or canceled, the officer shall confiscate the license plates. The Department may either recycle or destroy the plates (RCW 46.32.100).

### **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the member.

#### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment.

Examples of when high-visibility vests shall be worn include traffic control duties, accident investigations, lane closures, and while at disaster scenes, or anytime high visibility is desirable.

When emergency conditions preclude the immediate donning of the vest, officers shall retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

#### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

## *Traffic Function and Responsibility*

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A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Division Commander should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

### **500.6 HAZARDOUS ROAD CONDITIONS**

The Issaquah Police Department will make all reasonable efforts to address all reported hazardous road conditions in a timely manner as circumstances and resources permit.

### **500.7 TRAFFIC DIRECTION AND CONTROL FUNCTION**

All Issaquah Police Department officers are responsible for ensuring the safe and efficient movement of vehicular and pedestrian traffic. Manual traffic direction may be necessary during any of the following situations:

- (a) Accident scenes;
- (b) Emergency situations;
- (c) Inclement weather conditions;
- (d) Signal light failure (See Policy 500.7.2);
- (e) Heavy traffic times; or
- (f) Special events.

It is not the Department's policy to automatically assign an officer to traffic control for any of the above situations. The decision is a discretionary call by the shift supervisor based upon circumstances.

#### **500.7.1 CALLER REQUESTS TO SUPERVISOR**

The dispatcher will not become involved in a conversation with a caller regarding city policy or state law concerning our response to their request for traffic control. If a caller desires further discussion the dispatcher will forward the caller's name and contact number to the Patrol Supervisor who will return their call.

Persistent complaints regarding traffic control will be referred to the Patrol Commander or the Chief of Police. Do not refer anyone to the Public Works Department, Mayor's office, or City Council.

#### **500.7.2 TRAFFIC SIGNAL OUTAGES**

It is not the Department's policy to automatically assign an officer to traffic control for any traffic signal outage unless a hazard exists that could cause serious injury to citizens. The Department recognizes that in such circumstances, manual traffic direction can create more severe traffic congestion than if the prevailing rule as defined by RCW 46.61.183.

RCW 46.61.183, Non-functioning signal light defined:

Except when directed to proceed by a flagger, police officer, or firefighter, the driver of a vehicle approaching an intersection controlled by a traffic control signal that is temporarily without power

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### *Traffic Function and Responsibility*

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on all approaches or is not displaying any green, red, or yellow indication to the approach the vehicle is on, shall consider the intersection to be an all-way stop. After stopping, the driver shall yield the right-of-way in accordance with RCW 46.61.180(1) and 46.61.185

An officer shall be assigned to evaluate the conditions at the outage location and take the appropriate action based on that evaluation. The officer shall discuss the observations with the Shift Supervisor prior to attempting to manually direct traffic. The decision is a discretionary call by the Shift Supervisor based upon circumstances.

# Motorcycle Unit

## 501.1 PURPOSE AND SCOPE

The Motorcycle Unit is a specialized tool used primarily for traffic law enforcement. It is an integral part of the Department's Traffic Unit.

The Motorcycle Unit's primary focus is selective traffic enforcement emphasis areas, neighborhood safety services, and special events for which a motorcycle is best suited.

### 501.1.1 ONLY QUALIFIED RIDERS MAY OPERATE POLICE MOTORCYCLES

Qualified riders are those officers who have both a Washington State Motorcycle Endorsement on their driver's license and have the WSCJTC Basic Motorcycle Operator Course. These are the only officers authorized to operate department motorcycles.

Exception is the newly assigned Motorcycle Officer, within the first 12 months of their assignment waiting to attend the WSCJTC Basic Motorcycle Operator Course.

### 501.1.2 OFFICERS RESPONSIBLE FOR MAINTENANCE

Officers assigned a motorcycle will maintain it in an exemplary manner. The officer shall be familiar with the warranty coverage and will have all maintenance conducted as required by the warranty schedule. The maintenance should be coordinated through the City Shop staff. The officer shall keep the motorcycle clean and polished.

Officers shall not ride a motorcycle that is operationally unsafe.

### 501.1.3 OFFICER RESPONSIBLE FOR STORAGE

Officers assigned a motorcycle are authorized to use the motorcycle for transportation to and from their residence for their assigned work shifts. Officers assigned a motorcycle shall be responsible for its secure storage at the officer's residence.

## 501.2 CANDIDATES MUST MEET CRITERIA

The Chief of Police or designee is responsible to set criteria for selection as a motorcycle officer and meet the following minimum requirements:

- (a) 3 years minimum police experience.
- (b) Good driving record.
- (c) Excellent work history with a high level of motivation and productivity.
- (d) Excellent health.
- (e) Possess a Washington State Driver's license motorcycle endorsement.
- (f) Exemplary uniform appearance.
- (g) Demonstrate a high level of traffic enforcement activity while in patrol.
- (h) Agree to ride in inclement weather and to work special events/holidays.



## *Motorcycle Unit*

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### **501.3 MOTORCYCLE TRAINING REQUIRED**

Officers assigned as a motorcycle officer, must pass the WSCJTC Basic Motorcycle Operator Course within a year of assignment. Successful candidates must pass subsequent refresher courses every 24 months. Inability to pass required training or refresher courses may result in removal from the Motorcycle Unit and possible transfer from the Traffic Section.

#### **501.3.1 CANDIDATES MAY REAPPLY**

Candidates who fail the WSCJTC Basic Motorcycle Operator Course may reapply for motorcycle duty upon the next available opening.

### **501.4 DURATION OF ASSIGNMENT**

Officers selected for assignment to the Motorcycle Unit are required to commit to a minimum of five (5) years service in the Unit. Service in the Motorcycle Unit may be extended with permission from the Chief of Police.

### **501.5 REQUIRED UNIFORM AND EQUIPMENT**

The Police Department will provide the following uniform and safety equipment items to officers assigned to the Motorcycle Unit:

- (a) Basic uniform and equipment provided to Patrol Division officers.
- (b) Motorcycle boots (1pr).
- (c) Motorcycle pants (2pr). Warm up pants (1pr).
- (d) Gortex rain pants (1pr).
- (e) All weather riding suit (1).
- (f) Rubber boots with zipper (1pr).
- (g) Police leather jacket (1).
- (h) Leather gloves (1pr).
- (i) Waterproof lined gloves (1pr).
- (j) Motorcycle helmet (1ea).
- (k) Rechargeable flashlight (1).
- (l) Clear eye protection (1pr).
- (m) Holster drop adapter (1).

The Department will replace or repair damaged or worn motorcycle safety equipment and uniforms as required by policy.

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#### **501.6 SUPERVISOR SCHEDULES MOTORCYCLE OFFICERS**

The Patrol Commander shall schedule motorcycle officers in accordance with prevailing department policy and Traffic Division goals. Supervisors may assign motorcycle officers to special assignments, emergency operations, and other special enforcement programs.

#### **501.7 TRAFFIC DIVISION SUPERVISOR MONITORS CONDITIONS**

The Patrol Commander shall monitor weather conditions and advise motorcycle officers of any operational changes.

Officers assigned motorcycles shall not operate motorcycles when there is snow or ice on the roadway or when freezing temperatures could create hazards that would make motorcycle operation unsafe.

Motorcycle officers will be responsible for determining when to discontinue motorcycle operations due to adverse weather conditions. They shall advise the supervisor when they have determined that it is unsafe.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Issaquah Police Department prepares traffic collision reports and as a public service makes traffic collision reports available to the community with some exceptions.

## 502.2 TRAFFIC COLLISION REPORTS

All traffic collision reports taken by members of this department shall be forwarded the Shift Supervisor for approval and forwarded to the Communications Division staff for data entry into the Records Management System. The Records Division staff shall be responsible to forward the collision reports to the appropriate state and city agencies requiring a copy. The Patrol Commander or designee will be responsible for reporting on traffic collision statistics as required.

### 502.2.1 STATEWIDE ELECTRONIC COLLISION AND TICKET ONLINE RECORDS (SECTOR)

This department utilizes SECTOR software to complete traffic citations and traffic collision reports. SECTOR shall only be used by those authorized employees who have completed department-approved training in the use of SECTOR software. All traffic collision reports completed with SECTOR software shall comply with established report approval requirements.

All reports completed using SECTOR software should be downloaded to the designated server as soon as practicable or in any case prior to the end of the employee's shift.

### 502.2.2 REPORTING VIA SECTOR

All traffic collision reports taken by members of the department using the Sector Reporting System shall be responsible for completeness and all data entry. Sector collision reports are forwarded to a Shift Sergeant or designee for approval; then forwarded to the Records Division for confirmation of proper data entry before the electronic submittal to the appropriate Washington State agency's as required.

## 502.3 REPORTING SITUATIONS

### 502.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a City Accident Report shall be completed and forwarded to the Patrol Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the accident investigator or any supervisor.

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### *Traffic Collision Reporting*

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#### 502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Issaquah Police Department resulting in a serious injury or fatality, the Patrol Commander or the Shift Supervisor, may notify the Washington State Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

#### 502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Commander or on-duty Shift Supervisor may request assistance from the Washington State Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

#### 502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports shall be taken for traffic collisions occurring on private property under the following circumstances:

1. Death or possible death.
2. DUI alcohol and/or drugs, or vehicular assault.
3. An injury.
4. Hit and Run with suspect information.
5. City vehicle and/or private property within the City limits.
6. Collision which originates on a city street and where injury or damage occurs on private property.

Officers should make every effort to assist the involved parties with exchanging information.

#### 502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

1. When there is a death or injury to any persons involved in the collision.
2. When there is an identifiable violation of the Revised Code of Washington.
3. Property damage exceeding the dollar amount currently established by WSP.
4. When a report is requested by any involved driver.

In all cases where a traffic collision report is required by policy, the current state authorized form will be used to document the collision (RCW 46.52.070).

## Vehicle Towing and Release

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Issaquah Police Department.

### 510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 510.2.1 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Issaquah. The officer will then store the vehicle using the Uniform Washington State Tow/Impound and Inventory Record.

#### 510.2.2 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

#### 510.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and estimated time of arrival for the towing service.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

#### 510.2.4 OWNER NOTIFICATION RESPONSIBILITIES

Whenever a stolen vehicle is impounded by the Issaquah Police Department, the Communications Center personnel or officer assigned the recovery will promptly attempt to notify the legal owner of the recovery. (RCW 7.69.030(7))

### 510.3 TOWING SERVICES

The City of Issaquah periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

## *Vehicle Towing and Release*

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- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Nothing in this policy shall require the Department to tow a vehicle.

### **510.4 STORAGE AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping for the arrestee's vehicle. The vehicle shall be stored whenever it is mandated by law, needed for the furtherance of an investigation or prosecution of the case, or when the Community Caretaker Doctrine would reasonably suggest it. For example, the vehicle would present a traffic hazard if not removed, or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

No impound should occur if other alternatives are available that would ensure the vehicle's protection. Factors that should be considered by officers in determining whether to impound a vehicle pursuant to this policy include:

- (a) Whether the offense for which the subject was arrested mandates vehicle impound (e.g., commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor (RCW 9A.88.140(2))).
- (b) Whether someone is available at the scene of the arrest to whom the vehicle could be released.
- (c) Whether the vehicle is impeding the flow of traffic or is a danger to public safety.
- (d) Whether the vehicle can be secured.
- (e) Whether the detention of the arrestee will likely be of such duration as to require protection of the vehicle.
- (f) Whether there is some reasonable connection between the crime/arrest and the vehicle, or the vehicle is related to the commission of another crime (i.e., the vehicle itself has evidentiary value).
- (g) Whether the owner/operator requests that the vehicle be stored.
- (h) Whether the vehicle would be in jeopardy of theft or damage if left at the scene in a high-crime area.

In cases where a vehicle is not stored, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages to the vehicle.

### *Vehicle Towing and Release*

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#### **510.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. A locked vehicle trunk shall not be opened, even if it may be opened without a key from an accessible area of the passenger compartment. Locked or closed containers located within the passenger compartment should be inventoried as a sealed unit, absent exigent circumstances.

Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

#### **510.6 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

## Vehicle Impound Hearings

### **512.1 PURPOSE AND SCOPE**

This policy establishes a procedure for the requirement to provide vehicle storage or impound validity hearings.

### **512.2 IMPOUND HEARING**

When a vehicle is impounded by any member of the Issaquah Police Department, the registered or legal owner of the vehicle or their agents (RCW 46.55.240) can request an impound hearing with the Issaquah District Court.



# Impaired Driving

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 514.2 POLICY

The Issaquah Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Washington's impaired driving laws.

## 514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Washington or another jurisdiction.
- (g) Whether a child under the age of 16 was present in the vehicle (RCW 46.61.507).

## 514.4 DUI RESTITUTION

Upon completion of the DUI investigation and report writing, the case officer will complete and submit the IPD Cost Recovery Restitution Worksheet along with the case report to the city prosecutor for recovery of the expense of the emergency response per RCW 38.52.430.

## 514.5 FIELD TESTS

The Patrol Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

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### **514.6 CHEMICAL TESTS**

A person implies consent under Washington law to a chemical test or tests of the person's breath and to providing the associated chemical sample under any of the following (RCW 46.20.308):

- (a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drug.
- (b) The arresting officer has reasonable grounds to believe a person under the age of 21 was driving or in actual physical control of a motor vehicle while having a blood alcohol concentration of at least 0.02 (RCW 46.61.503).
- (c) The officer has stopped a person operating a commercial motor vehicle license (CDL) and has reasonable grounds to believe that the person was driving while having alcohol in the person's system (RCW 46.25.120).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### **514.6.1 BREATH SAMPLES**

The Patrol Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Commander.

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308; RCW 46.25.120).

#### **514.6.2 BLOOD SAMPLES**

Only persons authorized by law to draw blood shall collect blood samples (RCW 46.61.506). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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A blood sample may be obtained only with the consent of the individual or as otherwise provided in this policy (RCW 46.20.308; RCW 46.25.120).

### **514.6.3 STATUTORY NOTIFICATIONS**

An officer requesting that a person submit to a chemical test shall provide the person, prior to administering the test, with the mandatory warnings pursuant to RCW 46.20.308(2) or if driving a commercial vehicle the warnings pursuant to RCW 46.25.120(3).

### **514.7 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the requirement to provide a sample.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **514.7.1 STATUTORY NOTIFICATIONS**

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of intent to suspend, revoke or deny the person's license, permit or privilege to drive upon the person and mark any state-issued license to operate a motor vehicle that is held by that person in a manner authorized by the Department of Licensing (DOL) (RCW 46.20.308).

#### **514.7.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who has been arrested and does not consent to a blood test when any of the following conditions exist (RCW 46.20.308; RCW 46.25.120):

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### **514.7.3 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

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- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### **514.8 ARREST AND INVESTIGATION**

#### **514.8.1 WARRANTLESS ARREST**

An officer having probable cause to believe that a person is DUI may make a warrantless arrest of the person whether or not the officer observed the violation first hand (RCW 10.31.100).

Arrests supported by probable cause for DUI are mandatory if the person has been convicted of DUI in the past 10 years or if the officer has knowledge based on the information available to him/her that the person is charged with, or is waiting arraignment for, an offense that would qualify as a prior offense as defined by RCW 46.61.5055 if it were a conviction (RCW 10.31.100).

#### **514.8.2 OFFICER RESPONSIBILITIES**

If a person refuses to submit to a chemical test, or the results from the test render a prohibited alcohol or THC concentration in the person's breath or blood, the officer shall (RCW 46.20.308(5)):

- (a) Serve the notice of intention to suspend, revoke, or deny the person's license or permit to drive.
- (b) Provide the person with a written notice of his/her right to a hearing before the Department of Licensing (DOL).
- (c) Advise the person that his/her license or permit is a temporary license.

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- (d) Immediately notify the DOL of the arrest and within 72 hours transmit to the DOL a sworn report that states:
  - 1. The officer had reasonable grounds to believe the person was DUI.
  - 2. After having received the required statutory warnings, the person either refused to submit to a test of his/her blood or breath or submitted to a test that rendered a prohibited alcohol or THC concentration of the person's breath or blood.
- (e) Submit a sworn report to the DOL when the person has a CDL and either refused or had a test administered that disclosed a prohibited amount of alcohol or any amount of THC concentration (RCW 46.25.120(5)).

When a person is arrested for a violation of RCW 46.61.502 (DUI) or RCW 46.61.504 (Physical control of vehicle while DUI), the officer shall make a clear notation on the report if there is a child under the age of 16 present in the vehicle and promptly notify child protective services as required in the Child Abuse Policy (RCW 46.61.507).

### **514.8.3 TYPE OF CHEMICAL TESTING**

Generally, chemical tests to determine alcohol concentration shall be of the breath only (RCW 46.20.308(3)).

Blood tests may be administered (RCW 46.20.308):

- (a) When the person is incapable of providing a breath sample due to physical injury, physical incapacity or other physical limitation.
- (b) When the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance or other similar facility.
- (c) When the officer has reasonable grounds to believe that the person is under the influence of a drug.
- (d) When otherwise provided by law (RCW 46.20.308) or in this for in this policy.

### **514.8.4 ADDITIONAL TESTING**

A person submitting to a chemical test pursuant to this policy may have a qualified person of his/her own choosing administer one or more tests in addition to any administered at the direction of an officer (RCW 46.20.308(2); RCW 46.61.506).

### **514.9 RECORDS SECTION RESPONSIBILITIES**

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **514.10 ADMINISTRATIVE HEARINGS**

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DOL.

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Any officer who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DOL file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

#### **514.11 TRAINING**

The Patrol Commander should ensure that officers participating in the enforcement of DUI laws receive training on Stanardized Field Sobriety testing and maintain current BAC certification cards.

## Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Support Services Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

#### 516.2.1 OFFICER ACCOUNTABLE FOR CITATIONS

Officers are responsible to account for all traffic and criminal citations books issued to them. When accepting a new book of citations the officer shall sign out for the book in the designated logbook and complete the cover sheet of the citation book acknowledging receipt. The completed cover sheet shall be submitted to the Records Section for tracking.

### 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Commander may request the City Prosecutor to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the City Prosecutor to ask the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the request for dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Commander for review.

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Section for filing.

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#### **516.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Division. The Records staff shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

#### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section for forwarding to the court.

The Communication Center staff are responsible to assist the Records Section with entering traffic citations into the department RMS system as assigned.

Upon separation from employment with this department, all employees issued traffic citations books shall return any unused citations to the Records Section.

#### **516.7 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. As a general rule, for juveniles 16 years of age and older, the traffic citation should be referred to the Municipal Court similar as adults. Juveniles under 16 years of age, should be referred to the King County Juvenile Prosecutor's Office for filing.



## Speed Measuring Device

### 517.1 PURPOSE AND SCOPE

The Department recognizes the technology involved in speed measuring devices as a safe and effective method of safely enforcing speeding vehicle complaints. This policy addresses the proper use of speed measuring devices.

Only speed-measuring devices listed on the International Association of Chiefs of Police Consumer Product List will be used by this department.

### 517.2 OPERATOR TRAINING REQUIRED

Only officers who have a valid operator's card from the Washington State Criminal Justice Training Commission will use speed-measuring devices for enforcement purposes.

### 517.3 OPERATORS CHECK DEVICES FOR PROPER FUNCTION

Operators will inspect speed-measuring devices for proper function and damage. If a device is not functioning properly or is damaged it shall be immediately taken out of service.

Operators will check speed-measuring devices for proper function prior to use on each duty shift. If any enforcement action is taken officers will also check speed-measuring devices for proper function before the end of their shift. These checks will be made pursuant to the manufacturer's operating instructions.

### 517.4 MAINTENANCE AND CERTIFICATION

The Patrol Commander or Traffic Section designee is responsible for maintenance and certification of speed-measuring devices and will conduct the following related duties:

- (a) Ensure annual calibration and certification;
- (b) Send damaged units for repair;
- (c) Maintain records of repairs and certifications; and
- (d) Forward copies of certifications and calibration to the city prosecutor and municipal court.

#### 517.4.1 ANNUAL CERTIFICATION OR REPAIRS

Speed measuring devices shall be certified and calibrated at least annually. Only a technician licensed to perform radar certification, calibration and repair will perform the calibration and certification on department speed measuring devices.

Only licensed technicians will repair radar units except for fuse and battery replacement. Only qualified technicians will repair Lidar units except for battery and fuse replacement.

# Automatic Traffic Safety Cameras

## 519.1 PURPOSE AND SCOPE

Automatic Traffic Safety Cameras were established in order to capture violations not occurring in the police officers presence. The policy establishes the use of the system and processing of captured violations.

## 519.2 AUTOMATIC TRAFFIC SAFETY CAMERA SYSTEM ESTABLISHED

Law enforcement officers of the City of Issaquah and persons commissioned by the Issaquah Police Department are authorized to use automated traffic cameras and related automated systems to detect school zone speed violations.

### 519.2.1 DEFINITION

For the purposes of this chapter, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle exceeds a speed limit in a school zone as detected by a speed measuring device.

## 519.3 VIOLATION PROCESSING GUIDELINES

Whenever any vehicle is photographed committing a violation, by an automatic traffic safety camera, a police officer, or designee, will review the violation for determination if the violation was committed. Upon confirmation, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address per IMC 10.42.

### 519.3.1 OUTSIDE VENDOR AUTHORIZED

An outside vendor shall be selected to process the initial violations and send them to the Issaquah Police assigned to review violations. Staff assigned to review shall assure reviews are done promptly and every effort should be made to avoid lengthy backlogs of violations awaiting review.

The outside vendor may be used for processing and mailing confirmed violations to the registered owner or renter of a violating vehicle.

## 519.4 EMERGENCY VEHICLE VIOLATIONS

Violations by Issaquah Police Department vehicles will be investigated internally to determine if the 'captured violation' was lawful under RCW 46.61.035 in lieu of issuing a citation. If the violation is found to be outside of policy or RCW, the officer may be subject to discipline.

### 519.4.1 OUTSIDE AGENCY EMERGENCY VEHICLE VIOLATIONS

Clearly identified emergency vehicles photographed committing a violation will be processed as follows:

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The violation information, to include video, will be forwarded to the agency as soon as possible for them to determine if lawful under their department policies and RCW 46.61.035. The violation notification will be documented.

#### **519.4.2 UNMARKED EMERGENCY VEHICLE VIOLATIONS**

Agencies with unmarked or undercover emergency vehicles receiving a notice of infraction for committing a violation will be responsible for sending an affidavit to IPD declaring that the violation was in accordance to RCW 46.61.035. IPD will review the affidavit, then send the affidavit attached to the violation to the court with a request to dismiss.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

This department has adopted the following policy on assisting motorists in disabled vehicles within this jurisdiction.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or the changing of a flat tire are not considered a mechanical repair with respect to this policy.

### 520.4 POLICY

It is the policy of the Issaquah Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

# Motorist Assist

## 521.1 PURPOSE AND SCOPE

The Issaquah Police Department recognizes the importance to assist motorist in their efforts to overcome certain challenges regarding the operations or their vehicles.

Officer will assist motorist in locating or contacting the appropriate resources.

### 521.1.1 OFFICER'S RESPONSIBILITIES

Officers will assist motorists whenever possible and reasonable. Prior to providing assistance officers will evaluate the alternatives available and consider the likelihood of success without damage to either vehicle.

Officer should inform the motorist of the rotation road services available to assist in matter beyond the officer's abilities to assist and assist in contacting the service of the motorist choice.

### 521.1.2 PROPERTY DAMAGE WAIVER REQUIRED

An officer will obtain a signed Property Damage Liability Waiver from the owner of a vehicle before attempting any assistance that could result in damage to the vehicle. This includes but is not limited to, forceful entry, unlocking a vehicle and/or pushing a vehicle from the roadway.

The officer shall explain to the driver the possibility of damage prior to offering the waiver for signature.

## 521.2 LOCKED OUT DRIVERS

Given the complexity of the locking mechanisms in vehicles, officers will not attempt to unlock vehicles with electronic door locks. The officer can assist with opening a vehicle with manual locks for drivers who have locked themselves out of their vehicles.

Upon receiving such a call, Communication Center staff will determine if a vehicle has electronic locks. If so, advise the caller of the rotation road services available to assist them with unlocking their vehicle. The Communication Center will assist in notifying the road service company selected by the caller to help resolve the problem.

### 521.2.1 EMERGENT LOCKED OUT DRIVERS

If a locked out motorist is reporting a child or children are locked within the vehicle, an officer will evaluate the situation to determine the proper action necessary. The officer should take into consideration the condition of the occupants, the weather, response time of a road service company and any other factors they deem important before attempting to open a vehicle.

If it is determine that forceful entry into a vehicle is necessary, the officer will notify a supervisor to articulate the reason for forced entry.

## 521.3 BATTERY JUMP START IS PROHIBITED

Officers will not jump start other vehicles with patrol vehicles. Patrol vehicles may be jump started in emergencies only, however care should be given to assure all radios and emergency equipment

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is turned off prior to attempting to jump the patrol vehicle. City Shop personnel should be notified when a vehicle is jump started as soon as practical so an evaluation of the battery or charging system can be conducted.

#### **521.4 VEHICLE ESCORT SERVICES**

Planned vehicle escort requests for the public, dignitaries, emergency vehicles, oversize loads, potentially hazardous loads, etc. require the approval of the Patrol Commander or designee. Certain escorts may require a city permit and coordination with the Permits Section of the City Building Department.

Escorting of private vehicles in emergency situations is hazardous and is discouraged. All vehicle escorts are conducted following the basic rules of the road with due care and caution. As a rule officers are not to authorize another vehicle to exceed the posted speed limit or violate any provision of the model traffic ordinance to accomplish an escort, unless specifically authorized by the Patrol Commander or designee.

##### **521.4.1 FUNERAL ESCORTS**

Shift Supervisors are discouraged from approving funeral escorts taking place within the city limits. Consideration might be given for larger funeral events taking into account the number of vehicles involved and officer availability when weighed against calls for service at the time of the funeral. Whenever possible larger funeral escorts should be approved in advance by the Patrol Commander or designee.

# Unauthorized 24 Hour Vehicle Violations

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of unauthorized vehicles parked in violation of 24 hour time limitations.

## 524.2 MARKING VEHICLES

Vehicles suspected of being subject to removal from a highway after being left unattended for 24 hours shall be marked and noted on the Issaquah Police Department Marked Vehicle Sticker. A case number is required at time of posting. (RCW 46.55.010(14) and IMC 10.28.015).

A notification sticker shall be applied in a visible location and a visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. An object such as a small stone, can be placed on top of the left rear tire if chalking the tire is not possible. Any deviation in markings shall be noted on the report. (RCW 46.55.085(1)).

All marked vehicles shall be recorded in the RMS system as marked for 24 hour removal.

If a marked vehicle has been moved or the markings have been removed during a 24-hour investigation period. The vehicle shall be re-marked for another 24-hour period and a Marked Vehicle Sticker applied to the vehicle.

### 524.2.1 MARKED VEHICLE FILE

Officers assigned to and responsible for placing a sticker on a marked vehicle shall be responsible for the initial investigation. The assigned Officer shall check vehicle records to learn the identity of the last owner of record. The assigned Officer shall make a reasonable effort to contact the owner by telephone and provide notice that if the vehicle is not removed within twenty-four hours from the time the sticker was attached, the vehicle may be taken into custody and stored at the owner's expense (RCW 46.55.085(2)).

The assigned officer, shall notify the Communication Center staff to assign a pop up call for 24 hours after marking. Therefore if the assigned officer is not working the following day, the call can be assigned to another officer for disposition. In these case it is important that the assigned officer updates the case report to document all attempt to contact or successful contacts with the person responsible for the vehicle.

### 524.2.2 VEHICLE STORAGE

An officer may store any vehicle not removed 24 hours after marking (RCW 46.55.085(3)).

The officer authorizing the storage of the vehicle shall complete a uniform impound authorization and inventory form. The completed form shall be submitted to the Records Section immediately following the storage of the vehicle (RCW 46.55.075(2)).

The Comm Center shall be notified to enter the impound into the WACIC/NCIC system as impounded.

# Vehicle Seizure and Forfeiture

## 526.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and forfeiture of vehicles associated with the arrest of subjects for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504).

## 526.2 SUSPENSION OF WASHINGTON DRIVER LICENSES

RCW 46.61.5058 provides for the forfeiture of any vehicle when the driver of such vehicle has been arrested for driving under the influence or physical control of a vehicle while under the influence, if such person has a prior offense within seven years as defined in RCW 46.61.5055.

### 526.2.1 ADMINISTRATIVE RESPONSIBILITIES

All procedures and administrative responsibilities associated with Policy Manual § 526 and its subsections are handled by the Detective Division.

## 526.3 VEHICLE SEIZURE PROCEDURES

When an officer arrests a subject for driving under the influence (RCW 46.61.502) or physical control of a vehicle while under the influence (RCW 46.61.504), the officer may initiate steps to seize the arrestee's vehicle under the following circumstances:

- (a) The arrestee has a prior offense within seven years as defined in RCW 46.61.5055,
- (b) The arrestee must be provided with a department form to notify the arrestee, in writing, that it is unlawful to transfer, sell or encumber in any way the subject's interest in the vehicle in which they were driving or had physical control when the violation occurred, and
- (c) The vehicle is not a rental (RCW 46.61.5058(1)(b)).

The vehicle should be impounded as provided under the authority of RCW 46.55.113(1).

### 526.3.1 PHYSICAL SEIZURE OF VEHICLE

Physical seizure of the vehicle shall occur only upon the following circumstances:

- (a) Upon conviction of either driving under the influence or physical control of a vehicle while driving under the influence where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055 and the person driving has a financial interest in the vehicle.
- (b) Upon a court order.
- (c) If there is reasonable cause to believe that the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding, the officer may seize the vehicle immediately.



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Any vehicle that is seized pursuant to any of the above subsections should immediately be impounded and held pending further court action (RCW 46.61.5058(3)).

### **526.4 VEHICLE FORFEITURE**

It is the policy of the Issaquah Police Department to initiate forfeiture proceedings on all vehicles seized pursuant to RCW 46.61.5058.

Within fifteen days after vehicle seizure, the legal owner of the seized vehicle shall be notified of the seizure and intended forfeiture. Such notification shall be accomplished in writing to the last known address of the legal owner by certified mail with a return of service requested, or any other form of notification required by court order (RCW 46.61.5058(4)).

#### **526.4.1 FORFEITURE HEARING**

Persons notified of seizure have forty-five days to respond. Upon written response, such persons shall have the opportunity to be heard as to the claim or right (RCW 46.61.5058(6)).

- (a) The following procedure shall apply in such cases:
  - 1. Persons requesting a forfeiture hearing must complete and sign an Issaquah Police Department Forfeiture Request Form;
  - 2. All hearings shall be scheduled and conducted in a timely fashion.
  - 3. The hearing officer(s) shall be designated by the Chief of Police.
  - 4. The decision of the hearing officer shall be considered final.
- (b) The owner of the seized vehicle may, through his/her initiation and legal process, choose to remove the hearing to court.
- (c) The vehicle shall be considered forfeited under the following circumstances:
  - 1. If, forty-five days after the seizure, no person has notified the Issaquah Police Department of a claim of ownership or right to the vehicle.
  - 2. After a hearing officer has determined that the vehicle was lawfully seized and is subject to forfeit.
  - 3. A court of local jurisdiction has determined that the vehicle was lawfully seized and is subject to forfeit.
- (d) In any case where it is determined that the vehicle is not subject to forfeit, it shall be immediately returned to the legal owner.

### **526.5 PROCEDURES FOLLOWING FORFEITURE**

Vehicles that have been lawfully seized and through forfeit the ownership is transferred to the Issaquah Police Department may be sold or retained for official use provided that all bona fide security interests to the vehicle are first satisfied (RCW 46.61.5058(7)). The following procedure shall apply after vehicles are legally forfeited to the Issaquah Police Department:

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- (a) The Administrative Services Commander or his/her designee shall determine the disposition of all vehicles legally forfeited to the Issaquah Police Department. Such disposition shall be determined based on vehicle value, existing security interest, and the needs of the Department.
- (b) The value of the vehicle is the sale price, or if retained, the fair market value of the vehicle at the time of the seizure (RCW 46.61.5058(14)).
- (c) A record of the forfeited vehicle shall be maintained. The record shall indicate the prior owner's information, if known, a description of the vehicle, the disposition of the vehicle, its value at time of seizure and the amount of proceeds realized from disposition of the vehicle (RCW 46.61.5058(8)).
  - 1. Such records shall be maintained for at least seven years (RCW 46.61.5058(9)).
- (d) A copy of the records of all forfeited vehicles shall be filed with the state treasurer each calendar quarter (RCW 46.61.5058(10)).
- (e) By January 31st of each year, ten percent of the net proceeds of vehicles forfeited during the preceding calendar year shall be remitted to the state treasurer (RCW 46.61.5058(12)(13)).

## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

When assigned to a case for initial or follow-up investigation, officer(s) shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

## 600.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Prosecutor, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Prosecutor's Office or City Prosecutor's Office only as authorized by the Chief of Police or Command Staff designee.

It is the policy of the Issaquah Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 CONSTITUTIONAL MATTERS

All employees of the Issaquah Police Department shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a shift supervisor.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.

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6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### **600.3.2 ARRESTS BY PRIVATE PERSONS**

Private persons may make a common law arrest for crimes constituting a breach of the peace or may detain a person under the authority of RCW 9A.16.020 (felonies, retail theft, etc.) Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
  1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
  2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer shall take a written statement from the person who has made the arrest. In addition, the officer may exercise one of the following options:
  1. Take the individual into physical custody for booking.
  2. Release the individual subsequent to the issuance of a citation for the individual to appear in the appropriate court.

### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

If an officer electronically records a custodial interrogation, the officer shall include the complete Miranda Warning and the subjects response and/or waiver in the recording. Custodial interrogation

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Miranda Warnings and waivers obtained prior to activating electronic recording and not included on the recording are inadmissible in court.

No recording of an interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Administrative Services Sergeant. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

##### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

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#### 600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.



# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Issaquah Police Department seizes property for forfeiture or when the Issaquah Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Generally includes, but is not limited to:

- (a) Firearms that were carried, possessed or sold illegally (RCW 9A.41.098).
- (b) Devices, profits, proceeds, associated equipment and conveyances related to illegal gambling (RCW 9A.46.231).
- (c) Interests, proceeds, etc. related to organized crime (RCW 9A.82.060), criminal profiteering (RCW 9A.82.080), human trafficking (RCW 9A.40.100), commercial sexual abuse of a minor (RCW 9A.68A.100) or promoting prostitution (RCW 9A.88.070) (RCW 9A.82.100).
- (d) Proceeds traceable to or derived from money laundering (RCW 9A.83.020; RCW 9A.83.030).
- (e) Property acquired or maintained in relation to commercial sexual abuse of a minor (RCW 9A.68A.100), promoting commercial sexual abuse of a minor (RCW 9A.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070), and conveyances used to facilitate these offenses (RCW 9A.88.150).
- (f) Personal property, money, a vehicle, etc. that was used to commit a felony or was acquired through the commission of a felony not covered under another forfeiture statute (RCW 10.105.010).
- (g) Personal property, money, a vehicle, etc. that was acquired through the commission of a crime involving theft, trafficking or unlawful possession of commercial metal property, or facilitating such crimes (RCW 19.290.230).

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- (h) Conveyances, including aircraft, vehicles or vessels, used for the violation of the Uniform Controlled Substances Act and proceeds from these violations (money, real property, etc.) (RCW 69.50.505).
- (i) Boats, vehicles, gear, etc. used for poaching/wildlife crimes (RCW 77.15.070).

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

### 606.2 POLICY

The Issaquah Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Issaquah Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### 606.2.1 ASSETS FORFEITURE DETECTIVE

The Administrative Services Commander with input from the Administrative Services Sergeant shall select one Detective from the Detective Division to act as the Assist Forfeiture Detective. The Assist Forfeiture Detective is responsible for actively tracking, disposing of and reporting all activity involving any assets seized by the Issaquah Police Department in accordance with this policy.

### 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

#### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Real or personal property subject to forfeiture identified in a court order authorizing seizure.
- (b) Property subject to forfeiture without a court order when the property is lawfully seized incident to an arrest, the service of a search warrant or the service of an administrative inspection warrant.
- (c) Property subject to forfeiture can also be seized without a court order when:
  - 1. There is probable cause to believe that the property was used or is intended to be used for illegal gambling (RCW 9A.46.231).
  - 2. There is probable cause to believe that the property was used or is intended to be used for the commercial sexual abuse of a minor (RCW 9A.68A.100; RCW 9A.68A.101) or promoting prostitution in the first degree (RCW 9A.88.070) (RCW 9A.88.150).

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3. There is probable cause to believe that the property was used or is intended to be used in the commission of any felony (RCW 10.105.010). See also separate statutes regarding seizures for felonies involving commercial metal, "bootlegging," criminal profiteering or money laundering (RCW 19.290.230; RCW 66.32.020; RCW 9A.82.100; RCW 9A.83.030).
4. There is probable cause to believe that the property was used or is intended to be used in violation of the Uniform Controlled Substances Act (RCW 69.50.505).
5. There is probable cause to believe that the property was used or is intended to be used for poaching/wildlife crimes (RCW 77.15.070).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

#### **606.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property from an "innocent owner," or a person who had no knowledge of the offense or who did not consent to the property's use.
- (c) No vehicle or other conveyance based on a misdemeanor involving marijuana (RCW 69.50.505).
- (d) Vehicles/conveyances that would be subject to forfeiture if more than 10 days have elapsed since the owner's arrest and no court order has been issued (RCW 9.46.231; RCW 9A.88.150; RCW 9A.88.150; RCW 69.50.505).

#### **606.3.3 SEIZED FIREARMS**

Firearms seized subject to forfeiture will be inventoried and booked into property. The firearm shall be checked through WACIC/NCIC to determine if the firearm has been stolen.

The firearm shall be booked into evidence with a notation in the comment section of the property form, "Seized Subject to Forfeiture". Firearms seized subject to forfeiture should be listed on a separate property form and no other evidence from the case should be listed on this property form.

When the seizure process has been completed all firearms shall be released only after following procedures identified in Policy 804.7.1.

#### **606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

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- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **606.5 MAINTAINING SEIZED PROPERTY**

The Evidence Room Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **606.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

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- (a) Remaining familiar with forfeiture laws, particularly those cited in this policy and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Special Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

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3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  - (a) Generally, 15 days' notice. (Gambling RCW 9.46.231; Money laundering RCW 9A.83.030; Child prostitution RCW 9A.88.150; Felonies RCW 10.105.010; Commercial metal RCW 19.290.230; Controlled substances RCW 69.50.505; Fish and wildlife enforcement RCW 77.15.070).
  - (b) Generally, 10 days' notice for conveyances. (Gambling RCW 9.46.231; Child prostitution RCW 9A.88.150; Controlled substances RCW 69.50.505).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
  - (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Issaquah Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
  - (l) Addressing any landlord claims for reimbursement through forfeited assets or damage to property (RCW 9.46.231; RCW 69.50.505).
  - (m) Compensating victims of commercial metal crimes within 120 days (RCW 19.290.230).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

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Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

#### **606.7 REPORTING SEIZED ASSETS**

The Forfeiture Reviewer detective shall be responsible for completing quarterly reports to the City of Issaquah Finance department which are forwarded to the state. The reports shall include, forfeiture date, disposition of property, owner/case number, description of the seized property, the value at the time of seizure, gross proceeds from the sale of property, net proceeds from the sale of the property and the amount of money owed to the State as a result of the sale.

As part of this reporting the Forfeiture Reviewer detective shall maintain a computerized log to assist with the tracking of all asset forfeiture cases.

#### **606.8 DISPOSITION OF PROPERTY**

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

# Confidential Informants

## 608.1 PURPOSE AND SCOPE

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Issaquah Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Issaquah Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Issaquah Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 608.2 POLICY

The Issaquah Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Administrative Services Sergeant. The officer shall compile sufficient information through a background investigation that includes a check through WSIN and HIDTA in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm. Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 608.3.1 PARENTAL PERMISSION REQUIRED FOR JUVENILE INFORMANT

Juveniles should not be used as confidential informants unless their parent or legal guardian has given written permission.

### 608.3.2 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### 608.3.3 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.



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In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

#### **608.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Commanders, Administrative Sergeant or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Issaquah Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Administrative Sergeant.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Administrative Sergeant.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

##### **608.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **608.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Division. The Administrative Sergeant or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Commanders, Administrative Sergeant, or their authorized designees.

The Administrative Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Administrative Sergeant is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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#### 608.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

#### 608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

- (a) A confidential informant may receive a cash amount for each quantity of drugs seized whether or not assets are also seized, not to exceed a maximum of \$1,000 unless an increase has prior approval of the Chief of Police.

#### 608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The Chief of Police signature is required for disbursements over \$500. Payments \$500 and under may be paid in cash out of the Detective Division Buy/Expense Fund. The case detective will be required to sign the voucher for amounts under \$500.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Issaquah Police Department case

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number shall be recorded on the cash transfer form. The form will be kept in the confidential informant's file.

If the payment amount exceeds \$500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### **608.5.4 DETECTIVE DIVISION BUY / EXPENSE FUND**

The Detective Division Buy / Expense Fund is maintained by the Administrative Sergeant or designee. The Administrative Sergeant will do a monthly audit of the account and report the status of the account to the Chief of Police via the chain of command.

The Administrative Services Commander will review and audit the fund with the Administrative Sergeant semi-annually.

#### **608.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Administrative Sergeant will discuss the above factors with the Administrative Commander and recommend the type and level of payment subject to approval by the Chief of Police.

#### **608.6.1 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement

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of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### 608.6.2 AUDIT OF PAYMENTS

The Administrative Sergeant or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Prescription Monitoring Program

## 609.1 PURPOSE AND SCOPE

The Department of Health has authority to, and has created a Prescription Monitoring Program (PMP). The program's purpose is to improve patient care and stop prescription drug misuse by collecting all the records for schedule II, III, IV, and V drugs. This information is then made available to medical providers and pharmacists as a tool in patient care. The PMP is also designed to allow law enforcement access to these records under a specific set of standards. The program rules for law enforcement access to information from the system are listed under WAC 246-470-060.

### 609.1.1 COMPLIANCE WITH WASHINGTON STATE LAW

The Issaquah Police Department personnel with comply with all rules and regulation outlined for the Prescription Monitoring Program in RCW 70.225 and WAC 246-470.

## 609.2 LAW ENFORCEMENT ACCESS TO PMP

The Support Services Commander, with the approval of the Chief of Police, will designate who will have access to the prescription monitoring information from the PMP. Prescription monitoring information will only be accessed for a "bona fide specific investigation involving a designated person".

The authorized employee requesting the prescription monitoring information shall electronically attest that the requested information is required for a "bona fide specific investigation involving a designated person" prior to accessing prescription monitoring information.

The authorized employee may alternately submit a written request via mail or facsimile transmission in a format established by the state. The written request must contain an attestation that the requested information is required for a "bona fide specific investigation involving a designated person" or for a "bona fide specific investigation to determine cause of death".

### 609.2.1 PMP LOG REQUIRED

All access to the PMP shall be reported to the Support Services Commander by either memo or e-mail. All access to the PMP will be documented in a case report and recorded on a designated PMP Log maintained by the authroized employee(s).

The Support Services Commander is responsible for monitoring the use of the PMP to assure only the authorized employee(s) are accessing the program and that access is for appropriate reasons. As part of monitoring, the Support Services Commander will make checks once every 30 days of the PMP Log to assure compliance with state rules and regulations as well as this policy.

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

The Issaquah Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 610.2.1 IDENTIFICATION PROCEDURE

Which identification procedure is conducted should be determined by the investigator after taking into account the circumstances of the investigation at hand, and the following considerations:

1. **Field Showup** - A field showup should be performed only when circumstances require the immediate display of a suspect to a victim or witness. When circumstances allow for construction and administration of a photo array or physical lineup in accordance with this policy, a field showup should be avoided.
2. **Photo Array** - When constructed and administered in accordance with this policy, a photo array is a reliable test of a victim/witness's memory.
3. **Physical Lineup** - Lineups can be effective, but are frequently less than optimum due to the difficulty of finding appropriate fillers, the challenges of managing the interaction between various witnesses, victims, and lineup administrators, and the amount of time and resources required to appropriately construct and administer a lineup.

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### **610.3 INTERPRETIVE SERVICES**

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### **610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM**

The Administrative Services Sergeant shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

### **610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.



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- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

### **610.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  1. The length of time the witness observed the suspect.
  2. The distance between the witness and the suspect.
  3. Whether the witness could view the suspect's face.
  4. The quality of the lighting when the suspect was observed by the witness.
  5. Whether there were distracting noises or activity during the observation.
  6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

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- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

### **610.8 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

# Brady Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Issaquah Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 612.2 POLICY

The Issaquah Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Issaquah Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files); the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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### **612.4 DISCLOSURE OF PERSONNEL INFORMATION**

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.
  - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### **612.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy (RCW 10.93.150).

# Sexual Assault Investigations

## 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in RCW 9A.44.010 et seq. and RCW 9A.64.020.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 613.2 POLICY

It is the policy of the Issaquah Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 613.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.

## 613.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of

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evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim Witness Assistance Policy.

### **613.4.1 POLYGRAPH EXAMINATION OF VICTIM**

Victims of alleged sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph or other truth telling device shall not by itself prevent the investigation, charging or prosecution of the offense (RCW 10.58.038; 34 USC § 10451).

### **613.4.2 VICTIM CONFIDENTIALITY**

A victim who seeks to have his/her address remain confidential should be referred to the Office of the Secretary of State to submit an application to participate in the address confidentiality program (RCW 40.24.030).

Information identifying a child victim under the age of 18 is confidential and not subject to release to the press or public without the permission of the child or the child's legal guardian unless allowed by law and as provided in RCW 10.97.130. Identifying information includes the child's name, address, location, photographs and the relationship of the child victim in cases where the alleged perpetrator is a relative or stepparent (RCW 10.97.130).

### **613.4.3 VICTIM PERSONAL REPRESENTATIVE**

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

## **613.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Section supervisor should weigh the risk

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of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **613.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.
  - 7. The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
  - 8. Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

### **613.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

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#### 613.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when either of the following conditions are met (RCW 70.125.090):
  - 1. A related report or complaint is received by the Department alleging a sexual assault or other crime has occurred and the victim has consented to the submission.
  - 2. The victim is an unemancipated person 17 years or age or younger.
- (b) Facilitate the collection of an unreported sexual assault kit from a collecting entity when this department has jurisdiction to investigate any related criminal allegations (Chapter 26 § 3, 2020 Laws).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

#### 613.7.2 STATEWIDE SEXUAL ASSAULT KIT TRACKING SYSTEM

Members investigating a sexual assault should ensure that that biological evidence is tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

#### 613.7.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### 613.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Section supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.



## Warrant Service

### 614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 614.2 POLICY

It is the policy of the Issaquah Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 614.3 COMMANDER REVIEW

A commander (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **614.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### **614.7 HIGH-RISK WARRANT SERVICE**

A commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is video-recorded when practicable and reasonable to do so. The warrant service may be audio-recorded when announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except if allowed by the warrant (RCW 9.73.030).

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- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

### **614.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **614.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

### **614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members

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- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to a commander. The commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The commander should ensure that members of the Issaquah Police Department are utilized appropriately. Any concerns regarding the requested use of Issaquah Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If a commander is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Issaquah Police Department jurisdiction, the commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Issaquah Police Department when assisting outside agencies or serving a warrant outside Issaquah Police Department jurisdiction.

#### **614.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **614.12 TRAINING**

The Division Commander should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

# Operations Planning and Deconfliction

## 615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 615.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 615.2 POLICY

It is the policy of the Issaquah Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 615.3 COMMANDER AS OPERATIONS DIRECTOR

A commander will be in charge of each operation.

The commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The commander will also have the responsibility for coordinating operations that are categorized as high risk.

## 615.4 RISK ASSESSMENT

### 615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 615.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the commander.

The supervisor and commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 615.4.3 HIGH-RISK OPERATIONS

If the commander, after consultation with the involved supervisor, determines that the operation is high risk, the commander should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Special Operations Team
  - 2. Crisis Negotiators
  - 3. Additional personnel
  - 4. Outside agency assistance
  - 5. Special equipment
  - 6. Medical personnel
  - 7. Persons trained in negotiation

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8. Additional surveillance
  9. Canines
  10. Evidence Room or analytical personnel to assist with cataloguing seizures
  11. Forensic specialists
  12. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

### **615.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **615.6 OPERATIONS PLAN**

The commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other

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- hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
- (a) An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
  - (f) Identification of all communications channels and call-signs.
  - (g) Use of force issues.
  - (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
  - (i) Plans for detaining people who are not under arrest.
  - (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
  - (k) Communications plan
  - (l) Responsibilities for writing, collecting, reviewing and approving reports.

### **615.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

### **615.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.



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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The commander shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the commander for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the commander that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

### **615.8 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### **615.9 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

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## City / Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

#### 700.2.1 REPLACEMENT OF WORN PROPERTY

Department property issued to an individual or division may over time become worn and unserviceable. At such time, the employee shall submit a written request for replacement or repair through their immediate supervisor. The supervisor shall view the item(s) in question and verify replacement or repair is needed before authorizing same.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in writing. This request is submitted to the employee's immediate supervisor.

The supervisor shall direct a memo to their Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures (See Policy 1046).

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The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, watches, etc.) that are not reasonably required as a part of work. Generally, the Department will not replace or repair items in excess of \$100.

#### **700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

##### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Patrol Commander.

##### **700.4.2 DAMAGE BY A CITIZEN**

If property belonging to the City, the Department or an individual employee is damaged by a person contacted in the course of their official duty, the officer is to forward a report to the City Risk Manager so the City can pursue restitution.

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If the person causing the damage is the subject of a criminal charge or housed in the Issaquah City Jail, the officer shall submit a request for restitution along with the criminal report so restitution can be considered by the court as part of a possible sentence agreement.

#### **700.5 DAMAGE TO CITY PROPERTY**

Any damage to City property that is either reported to or investigated by the Department shall be documented in a police report to include location, description, vehicles, witnesses photographs if appropriate, and responsible parties. The employee shall complete and submit a written report and forwarded a copy to the City Risk Management office.

# Personal Communication Devices

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the internet.

## 702.2 POLICY

The Issaquah Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

## 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

## 702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Issaquah Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved

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off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

### **702.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### **702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.



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2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

#### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles other than authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use and the use complies with RCW 46.61.672. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **702.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

The employee will note the vehicle is out of service on the vehicle status board.

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory or gun locker prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Sticks yellow crayon or chalk
- Roll barricade tape

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- First aid kit
- Fingerprint kit
- Fire extinguisher
- Personal Protective Equipment

### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- Sticks yellow crayon or chalk
- Roll barricade tape
- First aid kit
- Fingerprint kit
- Fire extinguisher
- Personal Protective Equipment

### **704.3.3 COMMAND VEHICLES**

An employee driving a Command Vehicle should ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- Roll barricade tape
- First aid kit
- Fire extinguisher

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an authorized location.

### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

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Officers in patrol shall obtain clearance from the supervisor before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor. Officers in patrol should notify dispatch that they are unavailable while in the car wash.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees shall not use marked vehicles, except Corrections Officers that may need to use a marked vehicles for authorized jail or court transport duties. Non-sworn employees are allowed to use unmarked vehicles or pool vehicles with prior authorization of a supervisor. Non-sworn employees shall not operate the emergency lights or siren of any vehicle at anytime.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Issaquah to provide assigned take-home vehicles.

#### 706.1.1 OPERATION OF CITY VEHICLES

All employees have the responsibility to operate their city vehicles in a safe and skillful manner. When responding to emergency situations or when in pursuit of violators, officers will comply with applicable department procedures and regulations, and State law. An employee's first concern should be the safety of the public.

All employees shall observe and obey speed limits and standard rules of the road while operating a City vehicle commuting, routine patrol and/or when responding to non-emergency calls.

The employee is responsible for any parking violation, traffic infraction or civil infraction that are issued while that employee is operating the vehicle, including any violation captured by an automated camera enforcement system. Vehicles operated in a genuine emergency situation with emergency equipment operating are not responsible for any infraction issued by an automated camera enforcement system.

#### 706.1.2 CITY VEHICLE USAGE FOR TRAINING

All department employees are encouraged to use City owned vehicles to commute to any assigned training whether during their regularly assigned shift or not. It is the employee's responsibility to inform their immediate supervisor in a timely manner, at least 3 days prior notice, of the need for a City vehicle.

The Department will not provide mileage reimbursement for any employee who uses their personal vehicle to attend assigned training without prior approval. Therefore, unless that employee has first attempted to obtain a City owned vehicle and such a vehicle is not available or request is denied, mileage reimbursement shall be denied. If the employee fails to make a proper request mileage is not authorized.

### 706.2 POLICY

The Issaquah Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 706.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

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Members shall not operate City-owned vehicles at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

#### 706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and shall log on the in-car computer inputting the required vehicle number, radio number and portable radio number prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the computer and dispatch is made aware of the change.

If the vehicle is not equipped with a working in-car computer, the member shall notify the Communication Center and provide all the required information for entry into CAD.

The Patrol Commander or designee is responsible to determine marked vehicle assignments and to preserve the records of these assignments for two years.

#### 706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing City-owned vehicles for any purpose other than their regularly assigned duties shall first notify the Shift Supervisor of the reason for use and a notation will be made to the Communications Center indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

#### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department shall be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner, or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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#### **706.3.4 DETECTIVE DIVISION VEHICLES**

Detective Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by a Detective Division Supervisor. Detective Division members shall record vehicle usage via assignment made by the Administrative Sergeant. After-hours use of Detective Division vehicles by members not assigned to the Detective Division shall be recorded with the Shift Sergeant on the shift roster.

#### **706.3.5 AUTHORIZED PASSENGERS**

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle. Exceptions to this section may be provided by written approval of the Chief of Police.

#### **706.3.6 PARKING**

Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in the department designated areas. Members shall not park privately owned vehicles in any stall assigned to City-owned vehicles or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in properly marked parking spaces or if available a designated area.

#### **706.3.7 AUTHORIZED PASSENGERS**

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### **706.3.8 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

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### **706.5 KEYS AND SECURITY**

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys without permission of a supervisor.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

### **706.6 DAMAGE, ABUSE, AND MISUSE**

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **706.7 TOLL ROAD USAGE**

Authorized on-duty emergency vehicles are exempt from incurring toll road charges. An authorized emergency vehicle is an on-duty vehicle of the Department which is equipped with emergency lights and siren and used to respond to emergency calls (WAC 468-270-030; WAC 468-270-085; WAC 468-270-105).

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles that are not authorized emergency vehicles shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members in unauthorized vehicles passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Patrol Commander within five working days explaining the circumstances.

#### **706.7.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Patrol Commander.

### **706.8 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.



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#### 706.8.1 ACCIDENT REVIEW BOARD

In the case of an accident in a City-owned vehicle, an Accident Review Board should be initiated. The Accident Review Board will consist of one member of the Command Staff, one Sergeant and one Officer chosen by the Office involved in the accident.

The role of the Review Board is to review the cause of the accident and/or whether the involved employee's actions were within policy. The Review Board will make its review and findings based on the written reports submitted. Further department action may be determined in part by the findings of the Review Board. The Review Board does not recommend disciplinary action.

# Personal Protective Equipment

## 707.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Issaquah Police Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 707.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 707.2 POLICY

The Issaquah Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 707.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Accident, Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 707.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in WAC 296-817-200.

## 707.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in WAC 296-800-16050.

### **707.6 RESPIRATORY PROTECTION**

The Patrol Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (WAC 296-842-12005):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

#### **707.6.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (WAC 296-842-18010):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.
- (d) The member needs to readjust his/her respirator.

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- (e) The member becomes ill.
- (f) The member experiences sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever or chills.

#### 707.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (WAC 296-842-18005):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 707.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances:

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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### **707.6.4 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (WAC 296-842-15005).

After initial testing, fit testing for respiratory PPE shall be repeated (WAC 296-842-15005):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).
- (d) Whenever there is an indication that the respirator fit is unacceptable.

All respirator fit testing shall be conducted in negative-pressure mode.

### **707.6.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (WAC 296-842-14005; WAC 296-842-22005):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

### **707.7 RECORDS**

The Patrol Commander is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
- (e) These records shall be maintained in a separate confidential medical file by Occupational Health Services.

The records shall be maintained in accordance with the Issaquah Police Department records retention schedule and WAC 296-842-12010.

### **707.8 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

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All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (WAC 296-800-16025).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (WAC 296-842-16005).

## **Chapter 8 - Support Services**

# The Communications Center

## 800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 800.2 POLICY

It is the policy of the Issaquah Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Communications Center and department members in the field.

### 800.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Case number
- Date and time of request
- Full Name including middle initial of complainant, if possible
- Date of Birth of complainant
- Complete address of complainant to include apartment or unit number, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

## 800.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.



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#### **800.3.1 OFFICER IDENTIFICATION**

Identification systems are based on officer radio identification numbers or call sign. Employees should use the assigned number when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign and department name. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

#### **800.4 THE COMMUNICATIONS CENTER SECURITY**

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, department members, and authorized people.

#### **800.5 CALL HANDLING**

Dispatchers should be courteous, patient and respectful when dealing with the public.

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the communication specialist will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- When?
- What?
- Weapons/Injuries?
- Who?
- Why?

If the communication specialist determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the communication specialist determines that the caller is a limited English proficiency (LEP) individual, the communication specialist should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the

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Communications Center, the communication specialist should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the communication specialist is unable to identify the caller's language, the communication specialist will contact the contracted telephonic interpretation service and establish a three-party call connecting the communication specialist, the LEP individual and the interpreter.

### **800.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the communication specialist has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### **800.5.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the communication specialist to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the communication specialist returning to the telephone line or when there will be a delay in the response for service.

## **800.6 RESPONSIBILITIES**

### **800.6.1 COMMUNICATIONS SUPERVISOR**

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Patrol Patrol Commander or the authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining communication specialist time records.
- (c) Supervising, training and evaluating communication specialists.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Maintaining the Communications Center database systems.
- (f) Maintaining and updating the Communications Center procedures manual.

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1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  2. Ensuring communication specialist compliance with established policies and procedures.
- (g) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (h) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

#### 800.6.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for communication specialists (e.g., Shift Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (h) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (i) Handling misdirected, silent and hang-up calls.
- (j) Handling private security alarms, if applicable.
- (k) Radio interoperability issues.

#### 800.6.3 COMMUNICATION SPECIALISTS

Communication Specialists report to the Communications Supervisor. The responsibilities of the communication specialist include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  1. Emergency 9-1-1 lines.
  2. Business telephone lines.

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3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
  6. Faxes
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
  - (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (e.g., Department of Licensing (DOL) records, Washington Crime Information Center (WACIC), National Crime Information Center (NCIC).
  - (d) Monitoring department video surveillance systems and the Correctional Security System.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the Shift Sergeant or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

#### **800.7 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by communication specialists to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the communication specialist with their radio identification call signs and current location.
- (b) Communication Specialists acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the communication specialist advised of their status and location.
- (d) Member and communication specialist acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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#### **800.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Issaquah Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **800.7.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Communication Specialists shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the communication specialist. The use of the call sign allows for a brief pause so that the communication specialist can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **800.8 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Communication Specialists shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **800.9 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

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Automated data, such as DOL records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.

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# Property and Evidence

## 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 802.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found Property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item.

### 802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right-hand corner of the bag.

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- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

### 802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record.

Narcotics and dangerous drugs are stored separately in the property room. All controlled substances should be packaged separately in an envelope no smaller than 5x7 inches. If laboratory testing is desired, the appropriate lab request form is attached to the envelope. Once sealed, the weight of the envelope will be taken and recorded by the property room staff when received and released.

### 802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the bicycle storage area until a property officer can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Sergeant shall be contacted for cash in excess of \$1,000 for special handling procedures.



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City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 802.3.5 PROPERTY SUBJECT TO FORFEITURE

Whenever property seized by the Department is subject to forfeiture, specific notification procedures must be followed. It shall be the responsibility of the assigned officer, detective, or the property officer to ensure that the following notifications are completed.

The owner of the property will be notified of the seizure and intended forfeiture of the seized property within 15 days following the seizure. Notification includes any person having any known right or legal interest in the seized property, including any community property interest. The notice of the seizure may be made by any method authorized by law (RCW 10.105.010).

The notification will include the legal reason for the seizure and information regarding how to appeal the pending forfeiture.

Notification procedures for property seized under Asset Forfeiture (RCW 69.50.505) are detailed in the Asset Forfeiture Policy.

#### 802.3.6 STORAGE OF SURRENDERED FIREARMS

Officers shall accept and store a firearm from any individual who has surrendered firearms under RCW 9.41.800 (Surrender of weapons), the Extreme Risk Protection Order Act, or after being detained under RCW 71.05.150 or RCW 71.05.153. The officer receiving the firearm shall:

- (a) Record the individual's name, address, and telephone number.
- (b) Record the firearm's serial number.
- (c) Record the date that the firearm was accepted for storage.
- (d) Prepare a property receipt form and provide a copy to the individual who surrendered the firearm.
  1. If the firearm was surrendered pursuant to the Extreme Risk Protection Order Act, the original receipt should be forwarded promptly to the Records Supervisor for timely filing with the court (RCW 7.94.090).

The property officer shall store a firearm accepted pursuant to this policy.

#### 802.3.7 FOUND PROPERTY

Found property surrendered to the Department shall be handled as required by RCW 63.21.050.

#### **802.4 <STRONG>ITEMS NEVER ENTERED INTO PROPERTY OR HOLDING OF PRISONER PERSONAL PROPERTY</STRONG>**

- a. Perishable food
- b. Liquids - (i.e alcohol = photograph and destroy)
- c. Lighters (flammable) - if needed as evidence, then kept out of the building and in garage locker

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d. Tobacco

e. Drugs into prisoner personal property (marijuana must be entered for destruction and all others are entered as evidence only - see policy 452.6 for medical marijuana)

### **802.5 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Fireworks.
- (e) Contraband.

#### **802.5.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### **802.5.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

#### **802.5.3 PACKAGING FIREARMS**

All weapons received by officers will be made safe by unloading. Firearms and ammunition are assigned a separate property number and packaged separately. A property Tag will be completed and affixed to the firearm. All firearms should be checked for stolen by the submitting officer. If not checked by the submitting officer, the Property Officer will have the weapon checked for stolen through NCIC. The NCIC printout should be attached to the property tag.

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#### **802.5.4 EVIDENCE PACKAGING MUST BE PROPERLY SEALED**

Evidence items are properly sealed if the evidence inside is protected from loss or contamination and an attempt to enter the package would be noticed. Use clear tape or evidence tape to seal evidence packages properly. Factory sealed seams of the container do not have to be taped unless the seam is failing. However, all narcotics and DNA envelopes or containers should have all the seams sealed with tape to prevent leakage or contamination. The open flaps of envelopes or zip-lock bags must be sealed with tape and each strip of tape must be initialed. The initials must be written across all factory seals, if not taped, or across all taped seals and onto the container surface where tape is applied.

Bottles and jars must be capped tightly to avoid leakage and then sealed with tape. The tape must extend across the top of the lid and down both sides of the body of the container. Initials are applied to the tape and onto the container if possible.

Staples alone do not constitute proper seals. Staples maybe used to assist in sealing bags. If staples are used, the sharp side of the staples must be taped over.

#### **802.5.5 PERISHABLE EVIDENCE PLACED IN REFRIGERATOR**

A refrigerator is located in the "Bag and Tag" room to keep perishable items such as urine specimens and blood samples preserved until the property room staff can place the items into the evidence refrigerator. The refrigerator will be temporarily secured with a keyed padlock, placing the key into a temporary evidence locker, and notifying the property officer about the evidence.

Note sealing in case report.

#### **802.5.6 VOLATILE SUBSTANCES STORED IN TEMPORARY LOCKER**

Volatile fluid of evidentiary value and fireworks will be stored in the volatile substances locker in the property garage. The volatile fluid will be placed in metal containers, such as metal paint cans or fuel cans. Excess volatile fluid will be disposed of in accordance with EPA and Fire Department procedures for hazardous waste materials. Fireworks shall be referred to the Bomb Squad for disposal.

#### **802.6 RECORDING OF PROPERTY**

The property officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Issaquah Police Department shall be noted in the property logbook.

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### **802.7 PROPERTY CONTROL**

Each time the property officer receives property or releases property to another person, he/she shall enter this information into RMS. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

#### **802.7.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from the appropriate officer, detective or supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

#### **802.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property form and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property form and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

#### **802.7.3 STATUS OF PROPERTY**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The property officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

#### **802.7.4 AUTHORITY TO RELEASE PROPERTY**

The Support Services Section shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### **802.7.5 RELEASE OF PROPERTY**

The Issaquah Police Department shall make every effort to return personal property that is in the possession of this department when such property is not considered evidence of a crime or is no longer needed as evidence. In such cases, the property officer shall make a reasonable attempt

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to identify the lawful owner and provide written notice via US Mail within 15 days after the property is authorized to be released.

If the property remains unclaimed beyond sixty days after the initial written notice to the property owner, or, in the case of property held as evidence, sixty days from the date when the case has been finally adjudicated and the property has been released as evidence by order of the court, the Department may (RCW 63.32.010; RCW 63.40.010):

- (a) At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner provided by RCW 63.32 or RCW 63.40. The disposition of all proceeds from such auctions shall be accounted for and recorded according to law. (RCW 63.32.030).
- (b) Retain the property for the use of the Department subject to giving notice in the manner prescribed in RCW 63.32.020 (or RCW 63.40.020) and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the Chief of Police, the property consists of firearms or other items specifically usable in law enforcement work, provided that at the end of each calendar year during which there has been such a retention, the Department shall provide the City's elected body and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2).
- (c) Destroy an item of personal property at the discretion of the Chief of Police if he/she determines that the following circumstances have occurred:
  - 1. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property; and
  - 2. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and
  - 3. The Chief of Police has determined that the item is unsafe and unable to be made safe for use by any member of the general public.

If the item is not unsafe or illegal to possess or sell, it may, after satisfying the notice requirements as prescribed in RCW 63.32.020, be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment. Such equipment shall be treated as retained property for purpose of annual listing requirements of the RCW. Such items may be destroyed at the discretion of the Chief of Police if he/she believes that it has been, or may be used in a manner that is illegal (RCW 63.32.010).

The property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with

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the case. If some items of property have not been released the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log.

### **802.7.6 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim.

### **802.7.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Investigation Section will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

### **802.7.8 PROPERTY DEPICTING A MINOR ENGAGED IN SEXUALLY EXPLICIT CONDUCT**

No property or material that depicts a minor engaged in sexually explicit conduct shall be copied, photographed, or duplicated. Such material shall remain under the control of this department or the court and shall be made reasonably available for inspection by the parties to a criminal proceeding involving the material. The defendant may only view these materials while in the presence of his/her attorney or an individual appointed by the court either at this department or a neutral facility as approved by the court (RCW 9.68A.001). Any request for inspecting such material should be brought to the attention of the assigned investigator or an investigation supervisor.

## **802.8 DISPOSITION OF PROPERTY**

All personal property, other than vehicles governed by Chapter 46.52 RCW, not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer should request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor or detective (RCW 63.32.010; RCW 63.40.010).

### **802.8.1 BIOLOGICAL EVIDENCE**

The property officer shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Patrol Commander

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Biological evidence shall be retained for a minimum period established by Washington law (RCW 5.70.010) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Patrol Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved crime shall not be disposed of prior to expiration of the statute of limitations (RCW 5.70.010). Even after expiration of the applicable statute of limitations, the Investigation Patrol Commander should be consulted.

#### 802.8.2 RELEASE OF FIREARMS

The Property Officer is responsible for the release of all firearms from the property room. Once a request for release of firearms is initiated and prior to the release of any firearms to any person other than law enforcement, the Property Officer will ensure compliance with the following procedure;

- (a) The requesting person will submit a written request for release of firearms and provide photo identification to either the Records Section staff or Property Officer.
- (b) The Property Officer will ensure all procedures and documentation are complete as per the Property Officer Checklist for Weapons Release.
- (c) The Property Officer will forward the documentation and checklist to the Records Section.
- (d) The Records Section staff will complete all checks, procedures, and documentation per the Property Officer Checklist for Weapons Release and return the form to the Property Officer.
- (e) The Property Officer will double check all database documentation, conduct a last minute query, complete 2 IPD Firearms Return forms, and sign the checklist.
- (f) Upon release of the firearms; the Property Officer will check the person's identification and obtain their signature on the release form.
- (g) The Property Officer will retain original copies of all necessary documentation for the property room and return copies of documentation to the Records Section.

#### 802.8.3 RETURN OF FIREARMS

Prior to the return of a privately owned firearm, the property officer shall ensure confirmation of the following (RCW 9.41.345):

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- (a) The individual to whom the firearm is to be returned is the individual from whom the firearm was obtained, an authorized representative of the individual, or other person identified by a court order.
  - (b) The individual is eligible to possess a firearm pursuant to RCW 9.41.080.
  - (c) The firearm is not required to be held in custody or prohibited from release.
  - (d) Twenty-four hours has elapsed from the time the firearm was obtained by law enforcement or five business days if the firearm was seized in connection with a domestic violence call under RCW 10.99.030.
  - (e) Notification is made to those family or household members, or an intimate partner, who have requested notification pursuant to established department protocol (RCW 9.41.340).
1. Firearms shall be held in custody for 72 hours from the time notification is provided.

If a firearm or dangerous weapon was surrendered or lawfully seized pursuant to a protection order issued under RCW 9.41.800 and is to be returned to a person other than the individual from whom the firearm or dangerous weapon was obtained, the property officer shall determine that the person is the lawful owner and obtain a written agreement, signed by the lawful owner under the penalty of perjury, that the firearm or dangerous weapon will be stored in a manner to prevent the individual from whom the firearm or dangerous weapon was obtained, from accessing, controlling, or possessing the firearm or dangerous weapon (RCW 9.41.801).

Upon confirmation that the individual is eligible to possess a firearm and any applicable notifications are complete, the firearm shall be released to the individual or authorized representative upon request without unnecessary delay.

If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from release, written notice shall be provided to the individual within five business days of the date the individual requested return of the firearm. The written notice shall include the reason the firearm must remain in custody.

#### **802.8.4 SEXUAL ASSAULT KITS**

Unreported sexual assault kits shall be stored and preserved for 20 years from the date of collection (Chapter 26 § 3, 2020 Laws).

#### **802.8.5 RELEASE OF FIREARMS AFTER EMERGENCY DETENTION**

Firearms surrendered pursuant to RCW 71.05.182 (surrender of firearms after emergency detention) shall be returned in compliance with the provisions of RCW 9.41.345 as long as the six-month suspension period has expired or the person's right to possess firearms has been restored, whichever is sooner (RCW 71.05.182).



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### **802.9 INSPECTIONS OF THE EVIDENCE ROOM**

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the department shall be conducted by a Patrol Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

#### **802.9.1 EVIDENCE ROOM SECURITY**

Access to the Issaquah Police Department Evidence Room is restricted to authorized department personnel only. It shall be the responsibility of the property officer to control all access to the Evidence Room.

The property officer shall maintain a log of all persons entering the secured area of the Evidence Room. Personnel, other than those assigned to the Evidence Room, who have legitimate business in the secured area will be required to record their name, the date, time, and purpose for entry.

#### **802.9.2 PROPERTY ROOM SECURED AND MONITORED**

The Issaquah Police Department Property Room is equipped with a keyless, card access control system. Only property room staff has card access. The property room door has a keyed back-up lock; however an alarm sounds with key entry. The property room is keyed with high security style keys that do not allow master key access. Only property room staff has keys to the property room door. The Property Room is monitored 24 hours a day by alarm, digital video cameras with recording, and/or personal observation.

#### **802.9.3 EXTRA SECURITY REQUIRED FOR CERTAIN PROPERTY**

Money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs will be stored in separate secure areas of the Property Room.

#### **802.9.4 CASH HANDLING BY PROPERTY OFFICER**

In an effort to keep cash stored in the Property Room to a minimum the Department has set up a special holding account with the City Finance Department.

Any cash recieved by the property room staff in a single submission in excess of one hundred dollars (\$100) shall be taken to the Finance Department and deposited into a holding account designated by the Finance Department. This deposit should occur not later than three days after the Property Room staff receipts the cash into the Property Room.

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The Property Room staff should work with the Finance Department to develop a form for the proper distribution of any deposited cash once a disposition is determined.

Any money having a collector or numismatics value are specifically exempt from the deposit requirement and shall not be deposited as they may have an exceptional value beyond that of its circulated face value.

Any money of a foreign nation is also exempt from the deposit requirement as the department can not be responsible or liable for the fluctuations in the exchange rate system.

### **802.10 FOUND PROPERTY**

All found property received shall be handled in accordance with RCW 63.21. All found property coming into the custody of this department will be tagged and recorded to RMS Property with a property sticker and placed in the property room. If the property has an apparent value of less than \$25, if owner unknown, property is documented and discarded or left with the finder if it is determined there is no reason for the officer to retain the property, per RCW 63.21.050. All property must be marked with the following:

- a. the finder's name (can claim only if the finder's rights form was completed or it is documented in the report the finder chooses not to claim the property).
- b. Date, time, and location of find; and
- c. Any other pertinent information (i.e. possible owner if known or attempted contacts with any owner).

#### **802.10.1 LOST AND FOUND**

**FOUND PROPERTY** if property owner can be identified, officer is to attempt contact and return property by the end of their shift. To release property to an owner, the officer needs to verify identity, have the owner sign a release of property showing their signature, and date they received their property back. If this cannot be accomplished prior to the end of their shift, it is logged into property and the owner can claim property by appointment with property personnel.

The assigned officer will explain the finder's rights according to RCW 63.21. The officer will complete an Issaquah Police Department Property Rights Statement and have the finder indicate whether they wish to claim the property if the rightful owner is not located.

If the finder wishes to assure their right to claim the property, the officer will leave a copy of the Issaquah Police Department Found Property Rights Statement with the finder, which explains the process for claiming found property.

Finders must follow all the processes to successfully claim property. Failure to follow the property procedure will result in the finder forfeiting their right to claim the property.

#### **802.10.2 FOUND MAIL**

**FOUND MAIL** - If mail is located or turned in with no one in current actual possession of it, the assigned officer will take a case report for found property, include the location of where located

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or found, date located and names of all those who's mail you collected with addresses in the city of Issaquah. If included in the mail is mail from another jurisdiction, contact the other jurisdiction via phone and advise them of the mail (names and addresses) you located. Place mail inside a manila envelope. Inside the manila envelope place your business card with the case number and note expressing to contact you via email with the person's information if a theft or identity theft victim is located. Place all the mail into the envelope and seal it with evidence tape. An officer can take the package of mail to the post office and turn it over to the Post Master or throw envelope into a blue USPS mail receptacle with Post Master written on the outside of the envelope.

If contacted later with theft information, re-open current case, change to theft, process and route case accordingly. If not suspect, close case out.

#### 802.10.3 FINDER NOT ELIGIBLE TO CLAIM

The finder may not claim found property if:

- (a) The finder is employed by any government entity and the property was found in the performance of duties;
- (b) Property is illegal to possess;
- (c) The owner is known; or
- (d) The found property is a motor vehicle governed by RCW 46. This includes minibikes, snowmobiles, etc.

#### 802.10.4 OFFICER MAKE EFFORT TO FIND OWNER

Any officer submitting found property will make every reasonable effort to identify and contact the owner of the found property. If contacted, the owner shall be notified when and where the property may be claimed.

Employees may release found property to persons claiming ownership after they have supplied adequate description of the property and provided proper identification.

#### 802.10.5 PROPERTY OFFICER RESPONSIBLE FOR DISPOSITION OF FOUND PROPERTY

Found Property remaining in lost and found or the Property Room should be removed after 60 days and:

- (a) Destroyed;
- (b) Converted to city ownership;
- (c) Donated to a non-profit organization; or
- (d) Given to the finder if the finder wishes to claim the property pursuant to RCW 63.21.

The property officer is responsible for assuring found property is properly disposed of after 60 days.

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#### 802.10.6 JUNK PROPERTY DISPOSAL

Any property submitted to the Department or found by an officer that has no apparent monetary value other than junk, may be immediately disposed of in the department dumpster. The disposal of the property and justification as junk must be articulated in the case report. Property can only be junked if the finder does not wish to claim it and there is no possibility of locating an owner.

Examples of junk property could be a bent bicycle wheel; stripped bicycle, and/or any property found after long periods in a creek, lake or buried or any property whose owner is unknown and is valued at under \$25. If there is a question as to whether property is junk or not, notify the supervisor for direction.

## Records

### **804.1 PURPOSE AND SCOPE**

The Records Supervisor shall maintain the Department Records Section Procedures Manual on a current basis to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### **804.1.1 NUMERICAL FILING SYSTEM**

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 09-00001 would be the first new case beginning January 1, 2009.

#### **804.1.2 UNIFORM CRIME REPORTING**

The Issaquah Police Department participates in the Uniform Crime Reporting Program (UCR) and/or the National Incident Based Reporting System (NIBRS). The Records Supervisor is responsible for ensuring that UCR/NIBRS reports are provided to the Washington Association of Sheriffs and Police Chiefs (WASPC) on a regular basis.

### **804.2 FILE ACCESS AND SECURITY**

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

Issaquah Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

#### **804.2.1 REQUESTING ORIGINAL REPORTS**

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

#### **804.2.2 RECORDS CONCERNING JUVENILES**

The Records Supervisor shall be responsible for the destruction of juvenile records in accordance with RCW 13.50.270, including the following circumstances:

- Upon receiving notification from the juvenile court that specific records should be destroyed.

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- Upon receiving notification from the Office of the Governor that a specific juvenile has received a full and unconditional pardon, the Records Supervisor shall ensure that all records pertaining to that juvenile are destroyed within 30 days.

#### **804.3 REQUISITION OF SUPPLIES**

All personnel who are in need of office supplies shall e-mail a request to either the Administrative Assistant or Executive Assistant for ordering.

#### **804.4 USE OF A CENTRAL COMPUTERIZED ENFORCEMENT SERVICE SYSTEM (ACCESS)**

ACCESS is a computer-controlled communications system located at the WSP Information Technology Division. ACCESS provides service to all the state and national information systems. The Chief of the WSP is vested with the authority to administer all operating phases of ACCESS and the Washington Crime Information Center (WACIC). There are specific requirements for agencies accessing the information in the group of computer systems in ACCESS.

##### **804.4.1 ACCESS USE REQUIREMENTS**

No member of the Issaquah Police Department shall operate any of the ACCESS systems without first complying with the training requirements as listed in the ACCESS manual.

##### **804.4.2 ACCESS REQUIREMENTS**

As an authorized ACCESS user, the Issaquah Police Department complies with all of the following ACCESS requirements:

- Warrant entry
- Receiving information from outside agencies
- Recording information
- Verifying information
- Canceling information
- Providing 24-hour access to agency warrants

It is the responsibility of the agency TAC to ensure that all ACCESS computer and network security requirements are in place and operational.

##### **804.4.3 CRIMINAL HISTORY INQUIRIES**

The Issaquah Police Department complies with all ACCESS Operations Manual requirements regarding criminal history inquiries. The inquiry must contain the following information:

- Requestor's **first initial and last name**
- The full name of the subject you are querying
- The subject's date of birth
- The correct purpose code

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- The date you are making the query
- Identify the specific type of request (QH, QR, QI, etc)
- Provide a ***specific*** reason(i.e.; DUI, Assault, Robbery, Criminal Justice Applicant or a case number). If the request is made by State Identification Number (SID) or Federal Bureau of Investigation (FBI) number, that number must also be logged.
- The request should include first initial and last name of the department employee and the specific reason i.e.; Jail AA, Jail Ministries or Prosecutor L Moberly.

#### **804.5 OFFICER SAFETY ADVISORIES**

A Violent Person File (VPF) database is maintained by the National Crime Information Center (NCIC) and is intended to provide protection to police, corrections, or other criminal justice officers. Individuals who represent a potential threat to officers may be entered into the WACIC when they have previously exhibited assaultive or threatening behavior during contacts by law enforcement.

To qualify for entry, one or more of the following conditions must be met (WACIC Manual Chapter 29.01 II, A):

- (a) The offender has been convicted for assault or murder/homicide of a law enforcement officer, fleeing, resisting arrest or any such statute that involves violence against law enforcement.
- (b) The offender has been convicted of a violent offense against a person to include homicide and attempted homicide.
- (c) The offender has been convicted of a violent offense against a person where a firearm or weapon was used.
- (d) A law enforcement agency, based on its official investigatory duties, reasonably believes that the individual has seriously expressed his/her intent to commit an act of unlawful violence against a member of the law enforcement or criminal justice community.

Officers who encounter a person who they believe is a threat to officer safety should submit a report detailing the circumstances of the contact and nature of the threat for entry as an Officer Safety Advisory.

All Officer Safety Advisories are subject to approval by the Chief of Police or his/her designee.

Once approved, the dispatch section is responsible for making the appropriate entry into the WACIC.

Whenever an Officer Safety Advisory is initiated by the Issaquah Police Department, it is the responsibility of the Records Supervisor to ensure that a copy of the supporting documentation and the authorized statement signed by the Chief of Police are maintained in a separate file. Supporting documentation may include the crime report, officer's supplemental report, mental health report or other similar documentation.

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#### **804.6 COURT ORDERS**

The ACCESS TAC shall see that no-contact orders received from the court are entered into the WACIC or other applicable criminal intelligence information system for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the ACCESS TAC shall see that the order is removed from the applicable system (RCW 9A.40.102; RCW 9A.40.104; RCW 9A.40.106).



# Name and Address Warnings

## 805.1 PURPOSE AND SCOPE

The purpose of warnings added in the miscellaneous involvement field of the Records Managements System or RMS, is to convey to responding emergency personnel a public safety concern in order to protect themselves and the public from potential harm. Warnings are utilized to provide pertinent information and resources to assist emergency personnel in dealing with people, incidents, and addresses. The purpose of the warning policy and procedure is to provide guidelines for their establishment, use and removal.

### 805.1.1 POLICY

It is the policy of the Issaquah Police Department to ensure accuracy of both name and address warning by only establishing a warning in accordance with this policy, to remove a warning whenever it is no longer applicable and to hear appeals regarding their usage.

### 805.1.2 NAME AND ADDRESS WARNING REQUIREMENTS

Name and address warnings must meet the following requirements:

- An incident report will be associated with each warning describing who requested and authorized the warning entry.
- A corresponding report incident number.
- A brief explanation for the request.
- An expiration date, if applicable.
- Any related or similar law incidents supporting the warning.

## 805.2 NAME WARNINGS

Name warnings provide a quick visual prompt about individuals who have had multiple contacts or who pose a potential threat to themselves or others. Entries for Active Warrants, Civil Process, and Confined will supersede these additional warnings.

### 805.2.1 DEFINITIONS FOR WARNINGS RELATING TO PERSONS

Definitions for Warnings related to persons include the following:

**Status:** Status generated warnings by the system are set to a higher priority and would show up first before the other warnings.

Status warnings are:

- **Warrant-** priority 1. Any active Issaquah Municipal Court warrant on file with our agency.
- **Confined-** priority 2. Any person currently in custody.
- **Court Order-** priority 3. Any name associated with an active court order.

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- **Court Order Firearms** ,“priority 4. Limited to subjects required to surrender firearms by a court.

Other Warnings are:

- **Officer Safety/ WACIC** - Specifically individuals who are entered into the state WACIC Officer Safety Files who exhibit assaultive or threatening behavior towards law enforcement or their families, also including threats of suicide by cop.
- **Safety** - The individual may pose a risk to themselves or others. This would reference most officer safety to include weapons, violence or threats toward Government, LE, or IPD by individuals that do not meet WACIC Officer Safety Files requirements.
- **Mental Health** - To alert dispatchers and officers of a mental health concern, disability, challenge, or impairment.
- **Missing Person** - To alert dispatchers and officers of a reported missing person in Spillman.
- **Confidential Address** - Any person granted confidentiality of their home or work address by reasons of a court order, as witness to a crime, or for community care taking.
- **Review History** - To alert dispatchers and officers of a history with a subject or previous contacts that would inform personnel and officers of significant prior contacts and incidents.
- **Trespassed** - To alert dispatchers and officers when an Issaquah Police Department Trespass form has been issued.
- **Sex Offender** - Any registered sex offender residing in the city or identified upon police contact within the city i.e.; employed, or FIR or other report.
- **Stolen Vehicle** - To alert dispatchers and officers of a reported stolen vehicle in Spillman.

### **805.3 ADDRESS WARNINGS**

The purpose of Address Warnings are to convey to responding emergency personnel a public safety concern in order to protect themselves and the public from potential harm related to a specific address.

**This type of warning is more specifically related to the address and may or may not be related to a person living at the address;** the warning must be specifically related to officer safety and/or improving public service; the address must be in Geobase and the warning must be true for the entire address. Currently an address warning cannot be entered for an apartment unless the entire apartment complex is flagged with a warning.

#### **805.3.1 DEFINITIONS RELATING TO ADDRESS WARNINGS**

Definitions related to Address Warnings in this policy include the following:

## *Name and Address Warnings*

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- **Safety** - Any location that has significant safety concerns for first responders to include a totality of circumstances warranting such alert.
- **Vicious Animals** - LE personnel responding to this address previously encountered vicious animal(s) or LE has observed vicious animals on property.
- **DV History** - LE previously responded to DV involving a party or parties who lives or frequents that address.
- **Confidential Address** - An address associated with a person who has a confidential address by court order. These warnings would be used less frequently than names warnings and may require a higher level of approval.

### **805.4 APPEAL PROCESS**

Any person, or in the case of a juvenile , his/her parents or guardian -whose name or address has a warning in the RMS, and who wishes to appeal the entry of a warning of their name or address may arrange an appointment with the Chief of Police. The Chief of Police will review the facts and direct the Spillman Administrator to continue the warning associated with the person or address, or to have the warning removed.

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## Records Maintenance and Release

### 808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 808.2 POLICY

The Issaquah Police Department is committed to providing public access to records in a manner that is consistent with the Washington Public Records Act (RCW 42.56.001 et seq.).

### 808.3 PUBLIC RECORDS OFFICER

The Chief of Police shall designate the Records Supervisor as the Public Records Officer (RCW 42.56.580). The responsibilities of the Public Records Officer include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
  - 1. Rules and procedures for public inspection and copying shall be prominently displayed and made available to the public for inspection and copying (RCW 42.56.040).
- (c) Maintaining and making available for public inspection and copying an index of documents that provides identifying information of certain documents identified in RCW 42.56.070 that are maintained by the Department.
- (d) Maintaining and updating the department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the department division responsible for the original record.
- (e) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (f) Ensuring a current list containing every law that exempts or prohibits disclosure of specific information or records of the Department is available to the public (RCW 42.56.070).
- (g) Establishing rules regarding the processing of subpoenas for the production of records.
- (h) Ensuring the availability of a current schedule of fees for public records as allowed by law (RCW 42.56.070; RCW 42.56.120; RCW 42.56.130).
- (i) Ensuring that the business hours for record inspection or copying are posted on the department's website and made known by other means designed to provide the public with notice (RCW 42.56.090).

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- (j) Ensuring that the name and contact information of the Public Records Officer is visible to the public, including the department website and appropriate department publications (RCW 42.56.580).

#### **808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for records shall route the request to the Public Records Officer or the authorized designee.

##### **808.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests to inspect or copy records shall be responded to promptly. Within five business days of receiving the request, one of the following responses shall be made (RCW 42.56.520):
  - 1. Providing the record.
  - 2. Providing the internet address and link of the department website to the specific records requested.
    - (a) If the requester notifies the Department that access cannot be obtained through the internet, then copies of the record shall be provided or the requester may view the records on the department computer.
  - 3. Acknowledging the receipt of the request and providing a reasonable estimate of time the Department will require to respond to the request. Additional time may be required to respond based upon:
    - (a) The need to clarify the intent of the request.
    - (b) The need to locate and assemble the information requested.
    - (c) Notification to third persons or agencies affected by the request.
    - (d) Determination whether any of the information requested is exempt.
  - 4. Acknowledging the receipt of the request and asking the requester for clarification if the request is not clear and providing the requester a reasonable estimate of the time that will be needed to respond if the request is not clarified. If the requester does not respond, and the entire request is unclear, the Department need not respond. If only part of the request is

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unclear, the Department shall respond to those portions of the request that are clear.

#### **808.4.2 PROMPT RESPONSE REQUIRED**

Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request, the Department must respond by either (RCW 42.56.520):

- (a) Providing the record.
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time required to respond to the request.
- (c) Denying the public record request.
- (d) Providing an Internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he/she cannot access the records through the Internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, a request to clarify what information the requestor is seeking may be made. If the requestor fails to clarify the request, the Department need not respond to it.

Denials of requests must be accompanied by a written statement of the specific reasons for denial. The Records Supervisor will establish mechanisms for the most prompt possible review of decisions denying inspection.

Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### **808.4.3 DENIALS**

- (a) The denial shall be accompanied by a written statement that includes the specific exemption and a brief explanation of how the exemption applies to the withheld record (RCW 42.56.210).
- (b) Requests that are denied are subject to judicial review and the burden of proof is on the Department to show that the records requested are exempt or prohibited in whole or part by statute (RCW 42.56.550).

#### **808.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle

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record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

- (b) Personnel records that contain personal information to the extent that disclosure would violate privacy rights (RCW 42.56.230; RCW 42.56.250).
- (c) Specific intelligence and specific investigative records regarding the discipline of a member of any profession where nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy (RCW 42.56.240).
- (d) Victim and witness information revealing the identity of persons who file complaints if disclosure would endanger the person's life, physical safety, or property (RCW 42.56.240).
- (e) Child victim and witness identity information including name, address, recordings, and photographs (RCW 7.69A.030; RCW 42.56.240).
- (f) Concealed pistol license applications or information on the applications unless release is to law enforcement or corrections agencies under RCW 9.41.070.
- (g) Information revealing the specific details of the alleged assault, identity, or contact information of a child victim of sexual assault who is under age 18. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and usernames and passwords (RCW 10.97.130; RCW 42.56.240).
- (h) Personal identifying information collected relating to local security alarm system programs and vacation crime watch programs (RCW 42.56.240).
- (i) Certain criminal history record information as restricted by the Criminal Records Privacy Act (RCW 10.97.040 et seq.).
- (j) Traffic collision reports except for what is authorized by RCW 46.52.080 and RCW 46.52.083.
- (k) Preliminary drafts, notes, recommendations, or intra-agency memorandums in which opinions are expressed, or policies formulated, or recommended (RCW 42.56.280).
- (l) Records that are relevant to a controversy (threatened, actual, or completed litigation) to which the Department is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts (RCW 42.56.290).
- (m) Security records including but not limited to records relating to preparing and responding to criminal terrorist acts; vulnerability assessments and emergency and escape plans of secured facilities; information regarding infrastructure and security of computer and telecommunications networks; system security and emergency preparedness plans; and as further defined in RCW 42.56.420.

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- (n) Global positioning system data that indicates the location of a member's residence or of a public employee or volunteer (RCW 42.56.240; RCW 42.56.250).
- (o) Information contained in a local, regional, or statewide gang database (RCW 42.56.240).
- (p) Body worn camera recordings that violate a person's right to privacy (RCW 42.56.240)
- (q) Personal identifying information, or information regarding citizenship or immigration status, of any victim of criminal activity or trafficking who is requesting certification for a U or T visa, except where allowed by law (RCW 7.98.020).
- (r) Personal identifying information about an individual's religious beliefs, practices, or affiliation (RCW 42.56.235).
- (s) Investigative records compiled by the Department regarding possible unfair practices of discrimination under RCW 49.60.010 et seq. or possible violation of other federal, state, or local laws or Issaquah Police Department internal policies during an active and ongoing investigation (RCW 42.56.250).
  - 1. Records may be released upon completion of the investigation as allowed under RCW 42.56.250.
- (t) Any other information that may be appropriately denied by Washington law.

#### 808.5.1 GENERAL CASE AND CRIME REPORTS

Examples of release restrictions include (RCW 42.56.240):

- (a) **Intelligence and investigative records** - Specific intelligence information and specific investigative records, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.
- (b) **Victim and witness information** - Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints, if at the time a complaint is filed the complainant, victim or witness indicated a desire for disclosure or nondisclosure.
- (c) **Sex offenses** - Investigative reports pertaining to sex offenses under RCW 9A.44 et seq., or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington Association of Sheriffs and Police Chiefs for permanent electronic retention and retrieval, pursuant to RCW 40.14.070(2)(b).
- (d) **License applications** - Copies of license applications, including concealed pistol license applications or information on the applications may only be released to law enforcement or corrections agencies under RCW 9.41.070.
- (e) **Child sexual assault victims** - Information revealing the identity of child victims of sexual assault who are under age 18. Identifying information means the child victim's



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name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.

- (f) **Personal information** - Personal information in files maintained for employees, to the extent that disclosure would violate their right to privacy. This includes credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law (RCW 42.56.230).
- (g) **Alarm System Program/Vacation Crime Watch Program Participants** - Personal identifying information collected by the Department for participation in an alarm system program and/or vacation crime watch program.

#### 808.5.2 ARREST REPORTS

Arrest reports shall not be disseminated pursuant to the Criminal Records Privacy Act except to those agencies and under those circumstances necessary for a purpose in the administration of criminal justice as governed by RCW 10.97 et seq.

A person who is the subject of the record who requests information must comply with requirements of RCW 10.97.080.

In addition to the restrictions stated above, all requests on current cases without dispositions from criminal defendants and their authorized representatives (including attorneys) shall be referred to the County Prosecutor, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in the Protected Information Policy.

#### 808.5.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) are for official use only and may only be released without redaction pursuant to (RCW 46.52.080) to the following:

- The Washington State Patrol
- Department of Motor Vehicles
- Other Law Enforcement Agencies
- Internet based service
- As authorized by law or valid court order

Traffic collision reports will be available to parties having proper interest or involvement at the Issaquah Police Department Records Section or through a internet based service. Traffic collision

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reports will be submitted to the internet based service provider by the Issaquah Police Department Records Section on a regular basis.

Requests for traffic collision reports from individuals or entities other than those listed above are entitled to receive reports in redacted format.

#### 808.5.4 PERSONNEL RECORDS

The following employment and licensing information is exempt from public inspection and copying (RCW 42.56.250):

- (a) Test questions, scoring keys and other examination data used to administer a license, employment or academic examination.
- (b) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.
- (c) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, driver license numbers, identicard numbers and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of dependents of employees or volunteers of a public agency that are held in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.
- (d) Information that identifies a person who, while a Department employee:
  - 1. Seeks advice, under an informal process established by the employing agency, in order to ascertain his/her rights in connection with a possible unfair practice under RCW 49.60 et seq. against the person.
  - 2. Requests his/her identity or any identifying information not be disclosed.
- (e) Investigative records compiled while conducting an active and ongoing investigation of a possible unfair practice under RCW 49.60 et seq. or of a possible violation of other federal, state or local laws prohibiting discrimination in employment.
- (f) Photographs and month and year of birth in the personnel files of employees and workers of criminal justice agencies. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth.
  - 1. News media does not include any person or organization of persons in the custody of a criminal justice agency.
  - 2. Any such request by the media for the date of birth of an employee should be forwarded to the Administration Supervisor and the affected employee should be promptly advised of the request.

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3. A court may issue an injunction, at the request of the Department or the employee, if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage the employee or would substantially and irreparably damage vital government functions.

### **808.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Public Records Officer for review and processing.

Discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Prosecuting Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **808.6.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

### **808.7 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the Court that will automatically require the release of the requested information.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### **808.7 SECURITY BREACHES**

Members who become aware that any Issaquah Police Department system containing personal information may have been breached should notify the Public Records Officer as soon as practicable.

The Public Records Officer shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (RCW 42.56.590).

Notice shall be given as soon as reasonably practicable but may be delayed if notification will impede a criminal investigation.

For the purposes of the notice requirement, personal information includes:

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- (a) An individual's first name or first initial and last name in combination with any one or more of the following:
  - 1. Social Security number or the last four digits of the Social Security number
  - 2. Driver license number or Washington identification card number
  - 3. Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
  - 4. Any data elements listed in RCW 42.56.590 (e.g., date of birth, health insurance policy number, biometric data, email address, password)
- (b) Any of the data elements listed above without the individual's first and last name if the data elements would enable a person to commit identity theft or if encryption, redaction, or other methods have not safeguarded the data element (RCW 42.56.590).

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Public Records Officer should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

## Protected Information

### 810.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Issaquah Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Issaquah Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 810.2 POLICY

Members of the Issaquah Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 810.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Licensing (DOL) records and the Washington Crime Information Center (WACIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

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- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

### **810.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Issaquah Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **810.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive or possess criminal history record information without authorization by Washington law (RCW 10.97.120).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

### **810.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (RCW 10.97.050).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

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Nothing in this policy is intended to prohibit broadcasting warrant information.

### **810.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

An individual may review his/her criminal history record information held by this department after complying with established department requirements as authorized by RCW 10.97.080.

### **810.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities (RCW 19.255.010; RCW 42.56.590).

#### **810.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

#### **810.6.2 DESTRUCTION OF CRIMINAL JUSTICE INFORMATION**

When any document or electronic media providing Criminal Justice Information has served the purpose for which it was obtained, it shall be destroyed by shredding, burning or secure and confidential recycling. Each employee shall be responsible for destroying the criminal justice information documents they receive.

When hard drives or other electronic media from the police department are no longer usable, the IT department shall destroy them while accompanied by IPD staff in accordance with the City of Issaquah's Technology Resource Usage and Security Policy IAM 101-26-4-7.1.

Issaquah police department staff shall not maintain criminal justice information data on outside media such as tape cartridges, cd's, printer ribbon, flash drives and copiers.

### **810.7 TRAINING**

All members authorized to access or release criminal justice information shall complete a training program that complies with any protected information system requirements and identifies

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authorized access and use of protected information, as well as its proper handling and dissemination.

All personnel authorized to access, process or release criminal justice information shall be required to complete a training program prescribed by ACCESS within six (6) months of employment. The TAC shall coordinate the training in the proper use, control, and dissemination of criminal justice information.

#### **810.8 RELIGIOUS AFFILIATION DISCLOSURE**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any government program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (RCW 42.60.020).



# Computers and Digital Evidence

## 812.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 812.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  - 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  - 1. Where the computer was located and whether or not it was in operation.
  - 2. Who was using it at the time.
  - 3. Who claimed ownership.

## *Computers and Digital Evidence*

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4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **812.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

### **812.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

### **812.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media (e.g., hard discs, floppy discs, CDs, DVDs, tapes, memory cards, flash memory devices) should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the computer forensic to make a copy of the contents.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

## *Computers and Digital Evidence*

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- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **812.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### **812.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

#### **812.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **812.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) Officers shall upload digital images to the department's shared "S" drive into a file containing the case number of the incident.

#### **812.5.3 DOWNLOADING OF DIGITAL FILES**

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media.

## *Computers and Digital Evidence*

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### 812.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) If digital evidence is booked as evidence, the original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

# Animal Control

## 821.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

## 821.2 POLICY

It is the policy of the Issaquah Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

## 821.3 OFFICER RESPONSIBILITY

During hours when KCAC is off-duty, or if KCAC is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of KCAC. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of KCAC. The following are examples of when an officer may consider acting before the arrival of KCAC:

- (a) When there is a threat to the public safety.
- (b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.

### 821.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to KCAC for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

### 821.3.2 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the KCAC for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by KCAC. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

## *Animal Control*

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### **821.3.3 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Officers shall obtain and forward to KCAC as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers should also document any actions taken, citation(s) issued, related report numbers, etc.

In the event that KCAC is not available, members should diligently address calls relating to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, KCAC may be called to duty to handle. If KCAC is unavailable, the patrol supervisor may request the assistance of an animal control officer from an outside agency.

All requests to call in KCAC must be approved by a supervisor.

### **821.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by KCAC. Patrol officer will remove deceased animals when KCAC is not on duty.

Patrol officer will not be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### **821.5 POST-ARREST PROCEDURES**

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

### **821.6 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

### **821.7 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor and whenever possible, in consultation with a licensed veterinarian and owner of the animal (RCW 16.52.210).

## **Chapter 9 - Custody**

# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Issaquah Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include (RCW 10.79.070):

**Contraband** - Anything unauthorized for inmates to possess or anything authorized to possess but in an unauthorized quantity or altered from the original design or purpose.

**Pat-down search** - The normal type of search used to check an individual for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, inmate or others.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into or touching of a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring of a person who is changing clothes, where the person's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

## 900.2 POLICY

It is the policy of this department to ensure the safety of staff, inmates and visitors by conducting effective and appropriate searches of inmates and areas within the facility in accordance with applicable laws.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest and when receiving an individual from the custody of another. An officer shall conduct a custody search of an individual before transporting the person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.



### *Custodial Searches*

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#### **900.4 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Issaquah Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **900.4.1 TRANSGENDER SEARCHES**

Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

##### **900.4.2 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Issaquah Police Department identification number and information regarding how and when the property may be released.

##### **900.4.3 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

## *Custodial Searches*

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### **900.5 STRIP SEARCHES**

No individual in temporary custody at any Issaquah Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband that constitutes a threat to the facility. Probable cause is required for a strip search when there is a belief the individual is concealing on his/her body evidence not constituting a threat to the facility (RCW 10.79.130).

Factors to be considered in determining reasonable suspicion or probable cause include, but are not limited to (RCW 10.79.140):

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).
- (f) The nature of the offense.

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### **900.5.1 STRIP SEARCH PROCEDURES**

Strip searches at Issaquah Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner (RCW 10.79.100).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

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- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (RCW 10.79.150):
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Shift Sergeant.
  - 4. The name of the individual who was searched.
  - 5. The name, serial number of the officer and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
  - 11. Any health condition discovered.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) Except at the request of the individual, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).
- (i) A copy of the written authorization shall be maintained in the file of the individual who was searched (RCW 10.79.150).

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### 900.5.2 SEARCHES OF PRETRIAL INMATES

Pat-down searches, clothing searches and electronic metal detector searches will be conducted on all pretrial inmates upon admission into the general population and whenever the pretrial inmate has entered an environment where contraband or weapons may be accessed. A pretrial inmate is a person who is being held pretrial without an order that he/she be held without bail. This includes, but is not limited to, the following:

Upon return from contact visits

Upon return to general population from outside the confines of the facility (court, work detail, medical visits)

A clothing search should require an inmate to remove some or all of their clothing behind a modesty screen and does not include a visual inspection of the underclothing, breasts, buttocks or genitalia of the person. This should include a thorough search of the inmate's removed clothing. This may include requiring the person to squat or bend down behind the screen and reveal his/her hands and feet.

No pretrial inmate shall be subjected to a strip search without one or more of the following ([RCW 10.79.130](#)):

- a) There is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention.
- b) There is reasonable suspicion based upon specific and articulable facts to believe the person is concealing on his/her body a weapon, contraband or an item that constitutes a threat to the facility.
- c) There is probable cause to believe the person is concealing on his/her body evidence not constituting a threat to the facility.
- d) There is a search warrant authorizing the search.

No strip search shall be performed without prior authorization from the Jail Manager or Shift Supervisor determining that reasonable suspicion or probable cause exists.

No strip search shall be performed before reasonable efforts have been made to use less intrusive methods, such as pat-down, electronic metal detector or clothing searches.

Pretrial inmates returning from court with release orders should only be returned to general population for a period long enough to retrieve personal property and complete the release process. These inmates will be under the direct supervision of corrections staff.

### 900.5.3 SEARCHES OF CONVICTED INMATES

A strip search should be conducted when the inmate has entered an environment, unescorted, where contraband or weapons may be accessed. This includes, but is not limited to, the following:

- a) Upon return from contact visits.

### *Custodial Searches*

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b) Upon return to general population from outside the confines of the facility (court, work detail, medical visits)

Inmates returning from court with release orders shall not be subject to strip searches if they are not being returned to general population awaiting transfer to another agency or unless reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband.

Staff members may conduct strip searches of inmates outside the above listed circumstances only with written supervisory approval. Corrections Staff and supervisors must make a determination to conduct a strip search by balancing the scope of the particular search, intrusion, the manner in which it is conducted, the justification for initiating it and the place in which it is conducted. Less invasive searches should be used if they would meet the need for the search. For example, a pat-down may be sufficient as an initial effort to locate a larger item, such as a cell phone (RCW 10.79.150).

#### 900.5.4 STRIP SEARCH PROCEDURES

All strip searches shall be conducted in a professional manner under sanitary conditions and in an area of privacy. Except at the request of the inmate, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

Unless conducted by a physician or other licensed medical personnel or in case of an emergency, a strip search shall be conducted by a staff member of the same sex as the person being searched.

When additional staff members are necessary for security purposes or to witness the discovery of evidence, the additional staff members shall be of the same sex as the person being searched.

The staff member conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

The staff conducting a strip search of a pretrial inmate, an inmate not being admitted into general population or a convicted inmate, other than upon entry into general population and when the inmate has entered an environment where contraband or weapons may be accessed, shall also (RCW 10.79.150):

- Document the facts that led to the decision to perform a strip search of the inmate, including the offense for which the person was arrested, if that fact was considered in determining reasonable suspicion to conduct the search.

- Document the reasons less intrusive methods of searching were not used or were insufficient.

- Document the supervisor's approval.

- Document the time, date and location of the search.

- Document the names of staff present, their serial numbers, sex and their roles.

- Identify any contraband, weapon, evidence, item, or health condition discovered by the search.

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If appropriate have a police officer respond for criminal evidence/investigation.

Ensure the completed documentation is placed in the inmate's file. A copy of the written authorization and any search warrant shall be retained and made available to the inmate or other authorized representative upon request (except for those portions of any warrant ordered sealed by a court).

### **900.5.5 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

### **900.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant. Authorization may be obtained electronically (RCW 10.79.080). A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a qualified physician, registered nurse or physician's assistant may conduct a physical body cavity search (RCW 10.79.100).
- (c) Except for the qualified physician, registered nurse or physician's assistant conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including (RCW 10.79.080):
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.

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3. The Shift Sergeant's approval.
  4. A copy of the search warrant.
  5. The time, date, location, and description of the search.
  6. The medical personnel present.
  7. The names, sex, and roles of any department members present.
  8. A statement of the results of the search and a list of any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.
- (g) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Department (RCW 10.79.080).
- (h) The Shift Sergeant may allow the individual to have a readily available witness, of the individual's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk (RCW 10.79.100).

#### **900.7 TRAINING**

The Support Services Commander shall provide training for staff in how to conduct pat-downs and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates.

# Biological Samples

## 902.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

## 902.2 POLICY

The Issaquah Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

## 902.3 OFFENDERS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754):

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.040 et seq.).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.
- (l) An offender convicted of indecent exposure (RCW 9A.88.010).



## *Biological Samples*

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### 902.3.1 OPTIONAL SUBMISSION OF BIOLOGICAL SAMPLES

The Department may submit biological samples to the forensic laboratory services of the Washington State Patrol of an offender who is deceased and who was previously convicted of a qualifying offense regardless of the date of conviction (RCW 43.43.754(1)).

### 902.4 PROCEDURE

When an offender is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

#### 902.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the offender is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington State criminal history records. There is no need to obtain a biological sample if one has been previously obtained (RCW 43.43.754).
- (c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

### 902.5 USE OF FORCE TO OBTAIN SAMPLES

If an offender refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel, and only with the approval of a supervisor.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available. The supervisor shall review and approve any plan to use force and be present to document the process.

The supervisor shall review and approve any plan to use force and be present to document the process.

### *Biological Samples*

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#### 902.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

#### **902.6 LEGAL MANDATES AND RELEVANT LAWS**

Washington law provides for the following:

##### 902.6.1 AVAILABLE INFORMATION AND TRAINING

The Jail Manager should maintain relevant informational material from the Washington State Patrol in the booking area of the Issaquah Police Department for training and guidance purposes. This should include the protocols for the collection, preservation and shipment of biological samples prepared by the Washington State Patrol (WAC 446-75-060).

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# Custodial Care Standards

## **903.1 WASPC STANDARDS ADAPTED**

Title II Chapter 2.19 Jail Facilities of the Issaquah Municipal Code adopts the above standards with the following statement:

"The Custodial Care Standards for Detention Facilities, Chapters I through 42, as adopted in 1987 by the Corrections Committee of the Washington Association of Sheriffs and Police Chiefs, which are not classified as advisory, are hereby adopted by reference. (Ord. 1778 § 1, 1988)."

### **903.1.1 ANNUAL JAIL INSPECTIONS**

In order to ensure that the Issaquah Police Department Detention Facility is administered in a professional manner and that both the inmate's and the public interests are protected the facility will be inspected at least annually.

### **903.1.2 INSPECTOR OUTSIDE OF JAIL COMMAND**

Annual Detention Facility inspections will be conducted by a person from a different chain of command than the Detention Facility staff. This person may be from an outside agency or a qualifying member of the Issaquah Police Department.

## **903.2 JAIL ADMINISTRATION**

The Detention Division falls under the Support Services Commander as assigned by the Chief of Police. The Detention Division is administered by the Support Services Commander with the assistance of the Jail Manager, Corrections Staff and any other personnel as may be required for the proper management and administration of the jail, pursuant to Washington State Law.

## **903.3 STAFF TRAINING REQUIRED**

All Corrections Officers shall attend and satisfactorily complete the Basic Corrections Academy. Upon hire, applicants must be registered to attend our 160 hour Basic Corrections Academies training within the initial first 6 months WAC 139-10-210.

The WSCJTC requires applicants to pass a fitness ability test prior to entry into the academy. All academy recruits must be physically able to actively and fully participate in the defensive drills and other required physical activities in accordance with WAC 139-10-212

### **903.3.1 FIELD TRAINING PROGRAM REQUIRED**

All Corrections Officers will complete a Field Training Program as defined by the Chief of Police or his designee within their probationary period.

The Jail Manager is responsible to organize and direct the content and completion of the Field Training Program. It is recommended that instruction that is done during the Field Training Program is conducted by officers that have completed the WSCJTC Field Training Officer program.

## *Custodial Care Standards*

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### **903.3.2 TRAINING RECORDS MAINTAINED**

The Training Manager or designee is responsible for maintaining the training records for all jail staff.

It is the responsibility of all jail staff to assure their individual training certificates or other documentation of training is provided to the Training Manager.

### **903.3.3 JAIL MANAGER COORDINATES TRAINING**

The Training Manager will coordinate all jail staff training with the input of the Jail Manager. The Jail Manager will make recommendation to the training manager of all appropriate training.

The Jail Manager will coordinate the need for training with the need for staffing and adjust schedules accordingly to accomplish necessary training.

### **903.4 JAIL STAFF RESPONSIBILITY**

The general duties of the jail staff are to:

- (a) Maintain care and custody of inmates at the Issaquah Jail Facility;
- (b) Book and search inmates upon admittance and to check their clothing and valuables;
- (c) Maintain proper security, including patrol duty within the jail complex and periodic counts of inmates;
- (d) Establish and properly maintain inmate Detention Records;
- (e) Maintain inmate Health Records as required separate from Jail Medical Staff records;
- (f) Assure proper Transfer of Records with inmates when transferred to other facilities;
- (g) Properly maintain the Daily Activity Log with all activities logged in chronological order;
- (h) Maintain proper order decorum among inmates;
- (i) Ensure that inmates follow the proper procedures as to personal hygiene;
- (j) Ensure that quarters of inmates and the area for which they are responsible are kept in a sanitary and wholesome condition;
- (k) Issue supplies to inmates;
- (l) Assist with the dispensing of food;
- (m) Check all packages and incoming and outgoing mail;
- (n) Supervise work details of inmates in their quarters or other areas to which they may be assigned;
- (o) Report infractions of the rules and unusual occurrences;
- (p) Prepare inmates for court and for release;
- (q) Convey or assist in the conveyance of inmates;

## *Custodial Care Standards*

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- (r) Supervise the visitation of inmates;
- (s) Keep records and prepare reports; and
- (t) Perform such other duties as may be assigned.

### 903.4.1 JAIL STAFF HAS SPECIFIC DAILY DUTIES

Staff members have the following specific duties:

- (a) There shall be at all times in the jail, at least one staff member who is awake, alert and directly responsible for the supervision of inmates.
- (b) Daily physical head count of all inmates at shift change.
- (c) Jail staff shall personally observe confined persons at least once every sixty- (60) minutes.
- (d) There shall be continuous sight and/or sound surveillance of all inmates by electronic means.
- (e) The Corrections Officer will at all times maintain the ability to respond face-to-face with a inmate within three (3) minutes.
- (f) Correction Officers shall be alert to:
  - Inmate depression,
  - Dissension,
  - Family rejection,
  - Loneliness,
  - Resistance to staff programs, and
  - The effect of use of substances prohibited by jail rules or by law.

When such symptoms are noted, such persons shall be closely observed, at least once every fifteen minutes in staggered intervals, and the appropriate person(s) notified, i.e. chain of command, Mental Health Professional, or Physician.

# Prison Rape Elimination

## 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Issaquah Police Department Jail and Temporary Detention Room (28 CFR 115.111).

### 904.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **904.2 POLICY**

The Issaquah Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Issaquah Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **904.3 PREA COORDINATOR**

The Chief of Police shall appoint the Jail Manager as the PREA Coordinator to develop, implement and oversee department efforts to comply with PREA standards in the Issaquah Police Department Jail and Temporary Detention Room (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Issaquah Police Department prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of prisoners (28 CFR 115.151).

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### *Prison Rape Elimination*

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Jail and Temporary Detention Room. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).



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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
  1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Jail and Temporary Detention Room used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Jail or Temporary Detention Room are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

### **904.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **904.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Sergeant any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Detention Room.
- (b) Retaliation against prisoners or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### **904.4.2 SHIFT SERGEANT RESPONSIBILITIES**

The Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Supervisor shall document such notification (28 CFR 115.163).

If an alleged prisoner victim is transferred from the Issaquah Jail or Temporary Detention Room to another jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

### **904.5 INVESTIGATIONS**

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### **904.5.1 FIRST RESPONDERS**

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy

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physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Issaquah Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecuting attorney for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

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### **904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **904.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Administrator. The Chief of Police or City Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with prisoners by a contractor or volunteer.

### **904.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who

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were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

### **904.7 REVIEWS AND AUDITS**

#### **904.7.1 INCIDENT REVIEWS**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

#### **904.7.2 DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.

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- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Issaquah Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### **904.8 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### **904.9 TRAINING**

All employees, volunteers and contractors who may have contact with prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Jail Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and prisoners' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which prisoners are most vulnerable.
- The right of prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

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Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Jail Manager shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

# Admitting and Receiving Inmates

## 905.1 PURPOSE AND SCOPE

This policy will identify the concerns and processes that all jail staff should follow for the proper admission of inmates into the Issaquah City Jail.

### 905.1.1 PROPER SCREENING REQUIRED

All people presented to the Issaquah City Jail for booking shall undergo screening by Jail Staff. Prior to accepting a person into the jail, Jail Staff shall conduct a screening to determine the eligibility of a person for housing in the Issaquah City Jail.

Screening shall include the following:

- (a) Proper documents authoring the confinement of the person.
- (b) Medical Screening Form to assure the person is medically eligible for housing.
- (c) Suicide Prevention form to assure the person is not actively suicidal or too mentally unstable for housing in the Issaquah City Jail.
- (d) Intoxication above .25 reading on a BAC Verifier or Portable Breath Test requires medical clearance prior to booking.
- (e) Observation of the person and discussion with the presenting officer to assure there are not other mitigating circumstances that would make the person ineligible for housing in the Issaquah City Jail.

This policy applies to people presented by an officer for direct booking as well as people reporting for self commitments.

### 905.1.2 INMATE REFUSAL REQUIRES APPROVAL

If Jail Staff determines during screening that a person presented for booking may be ineligible for housing in the Issaquah City Jail, they shall notify the Jail Manager or on-duty Supervisor for approval prior to refusing the booking.

If the Jail Manager or Supervisor are not available for approval, the Jail Staff member may continue with the refusal and document the refusal in an e-mail to the Jail Manager.

### 905.1.3 NOTIFICATION OF REFUSAL

If a person is determine ineligible for housing in the Issaquah Jail, the staff member shall notify the officer presenting the person of the reason for the refusal and/or the method to remedy the refusal and/or an alternative facility the person should be taken for booking.

In the case of a person reporting for self commitment, the staff member will notify the person directly of the reason for the refusal and/or the method to remedy the refusal and/or an alternative facility that the person might report to for booking.



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### 905.1.4 DOCUMENTATION OF REFUSAL

When a person is refused booking into the Issaquah City Jail for any reason, the refusing Jail Staff member shall document the refusal into the Jail RMS system as a denied booking. The information shall contain the following:

- (a) Refused person's name.
- (b) Agency presenting the person, law enforcement or court.
- (c) Reason for the refusal.

### 905.1.5 COURT NOTIFICATIONS

When a staff member refuses a person for self commitment, the staff member shall notify the appropriate court of the refusal. The notification shall require the printing of the Denial Log Entry and will be faxed to the court with the morning reports.

## **905.2 BOOKING PROCESS**

All persons presented to the jail that clear screening and are determined eligible for housing in the Issaquah City Jail shall proceed through the booking process known as Booking.

The Booking process shall include completion of the following:

- (a) Assign a booking number.
- (b) Completion of all screens and information in the Spillman Jail Booking forms.
- (c) Medical screening/receiving form.
- (d) Suicide Prevention form.
- (e) Inmate Property record and receipt form.
- (f) Fingerprint inmate.
- (g) Photograph inmate.
- (h) Issuance of jail clothing.
- (i) Issuance of jail bedding.
- (j) Issuance of personal care items.
- (k) Issuance of wristband identification.
- (l) Check for outstanding warrants.
- (m) Create a Detention Jacket.
- (n) Complete inmate PREA orientation.

The booking process shall be completed forthwith unless the physical condition of the inmate necessitates delay (i.e. incapacitated by reason of alcohol and/or drugs, uncooperative and belligerent, attitude, combative).

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### *Admitting and Receiving Inmates*

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#### 905.2.1 NAME NUMBER ASSIGNED

All persons booked into the Issaquah City Jail are assigned a name number and a booking number. The Spillman Jail Records Management system automatically assigns a name number to any person that has not previously been assigned a name number.

Once a name number is assigned a person the same number is used for that person for any and all subsequent bookings, however, a unique booking number will be assigned for each subsequent booking.

Prior to assigning a new name number, jail staff shall search the Spillman Jail Records Management system to determine if the inmate has a name number previously assigned. If so, that number is used for the current booking. If not, a new name number shall be automatically assigned by the RMS.

#### 905.2.2 COMPUTER BOOKING FORMS

The Spillman Jail Records Management system has several forms for the booking process. Jail Staff shall complete all appropriate forms as part of the booking process.

#### 905.2.3 MEDICAL SCREENING FORM

Jail staff shall complete the Medical Screening form making every effort to complete every portion of the form. Every question shall have an answer noted or recorded in the medical screening form.

Staff should make every effort to document any current illnesses, medication needs or injuries presented upon booking. If feasible and particularly when force was needed during the arrest, all visible injuries shall be photographed.

The medical screening form shall be made available to the appropriate medical authorities as soon as practical. If there is an immediate concern regarding an inmates medical issues, staff should consult the on-call medical provider if the in facility medical staff is unavailable or off duty.

Inmates afflicted by medical or mental disorders that jeopardize the health and well being of his or her person, other inmates or the facility staff, will not be accepted into the Issaquah City Jail.

Such afflictions as demonstrated below will be cause for non-acceptance by the Issaquah City Jail:

- (a) Mental instability as evidenced by extreme combativeness.
- (b) Mental instability as evidenced by inability for the subject to effectively deal with other inmates or reality which would create disharmony within the facility.
- (c) Mental or physical illness or injury including intoxication which requires immediate or continued medical treatment.
- (d) Mental or medical illness that requires treatment with large amounts of prescription drugs.

#### 905.2.4 SUICIDE PREVENTION FORM

Jail staff shall conduct intake screening for suicide risk immediately upon confinement and prior to housing assignment. Intake screening must include inquiry regarding:

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- (a) Current and past suicidal behavior;
- (b) Prior mental health treatment;
- (c) Recent significant loss;
- (d) Suicidal behavior by family member or close friend;
- (e) Suicide risk during prior contact/confinement with agency; and
- (f) Whether arresting/transporting officer believes an inmate is currently at risk.

Jail staff will notify a mental health professional in all cases of moderate to high risk.

Refer to Policy 911 for more details of Suicide Prevention.

### 905.2.5 INMATE PROPERTY RECORDS

The Jail Staff receiving officer shall inventory, record and store all the inmate's personal property. He/she shall issue the inmate a receipt for his personal property. Prior to housing, the inmate shall review a receipt of his/her property and sign acknowledging the accuracy of the receipt.

Storage shall be in a separate property bag with smaller items sealed in a plastic property bag.

Money shall be stored in a cash envelope under the inmates name. Per Policy 907.3

Transport or booking officers are responsible for the removal of personal inmate property from the inmate which constitute illegal substances, contraband, valuables, or objects which could be used to inflict harm to persons or property prior to screening.

### 905.2.6 FINGERPRINTING INMATES

The Issaquah City Jail has a Live Scan fingerprint terminal. All inmates booked into the Issaquah City Jail shall be fingerprinted for every booking utilizing the Live Scan terminal. If the Live Scan is not operating properly, then the inmate shall be fingerprinted on fingerprint ten-cards. The Live Scan fingerprinting should occur as soon as possible when booking a person who's true identity may be in question or who is suspected of using a fictitious identity.

If fingerprint ten-print card are used, enough cards will be taken for proper notification of state and federal agencies. The ten-print cards shall be properly completed and forwarded to the appropriate state and federal agencies.

### 905.2.7 INMATE PHOTOGRAPHS

Front and side view identification photographs shall be taken of each inmate at booking. Since appearance is easily changed by altering hair length, style and color as well as facial hair changes, photographs should be taken even if the jail has previous booking photographs on file.

### 905.2.8 JAIL ISSUED ITEMS

On completion of booking, the inmate shall be issued clothing as prescribed by this facility. The inmate will also be issued personal care items such as a toothbrush, toothpaste, comb, and towel.

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Female inmates shall be supplied with the necessary feminine hygiene items as needed. Upon request, an inmate may be given a reasonable supply of writing material as needed.

Inmates shall be issued bedding to include mattress, mattress cover and one blanket. A second blanket is authorized only if the facility becomes unreasonably cold or a medical necessity.

#### **905.2.9 WRISTBAND IDENTIFICATION ISSUED**

Jail staff shall issue all inmates an identification wristband prior to their housing assignment and placing them in general population. The wristband shall be placed on the right wrist of the inmate in a fashion so that it does not constrict movement of the wrist or bloodflow yet tight enough that it cannot be slipped over the hand and removed from the inmates wrist without cutting the wristband.

#### **905.2.10 WARRANT CHECK UPON BOOKING**

Jail staff shall conduct a check for outstanding arrest warrants for all inmates booked into the Issaquah City Jail. If an outstanding arrest warrant is discovered, the appropriate agency shall be notified of the custody status of the inmate.

#### **905.2.11 PREA ORIENTATION AND EDUCATION REQUIRED**

All inmates will receive information relating to sexual assault/rape and sexual misconduct at the time of their classification/risk assessment.

Information provided will include, but not be limited to:

- The Department's zero-tolerance stance
- Self-Protection Prevention and intervention
- Reporting Treatment and Counseling
- Protection against retaliation
- Disciplinary actions for making false allegations

#### **905.2.12 DETENTION FILE JACKET REQUIRED**

Jail staff shall create a Detention File Jacket for the proper storage of all documents created relating to an inmate's booking and detention period. Any documents relating to an inmate's detention should include but not limited to booking files, medication logs, medical request kites, general request kites, telephone logs and property receipts.

### **905.3 INMATE MONEY RECEIVED AT BOOKING**

Upon booking an inmate who has money in their possession, the Jail Staff member will:

- (a) Count the amount of money an inmate has upon arrival to the facility.
- (b) Enter the amount of money received in the Inmate Cash Account section of the Spillman Jail Manager.
- (c) Print a receipt and has the inmate sign the receipt acknowledging the correct amount.

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- (d) Fill out the Inmate Money Envelope according to the example located in the Inmate Money box.
- (e) Place all monies in and secure the Inmate Money Envelopes.
- (f) Place the envelope in the Inmate Money Box in alphabetical order according to the last name of the inmate.
- (g) Locks the cabinet where the Inmate Money Box is stored.

### 905.3.1 RECEIVING / DISTRIBUTING INMATE MONEY

Upon receiving / disbursing inmate money the Jail Staff member shall:

- (a) Locate in the inmate's money envelope from the Inmate Money Box in the locked cabinet.
- (b) If there is not an inmate money envelope, create an envelope in accordance with the example in the Inmate Money Box.
- (c) Verify money in the envelope.
- (d) Verify money receipted or disbursed.
- (e) Log all transactions in the Inmate Cash Account section of the Spillman Jail Manager.
- (f) Fill out the Inmate Money Envelope chain of custody according to the example located in the Inmate Money box.
- (g) Place all remaining monies in the Inmate Money Envelopes.
- (h) Secure envelope with the clasp of the envelope.
- (i) Place the envelope in the Inmate Money Box in alphabetical order according to the last name of the inmate.
- (j) Lock the cabinet where the Inmate Money Box is stored.

### 905.3.2 RELEASING INMATE MONEY

An inmate may request at anytime the release of his/her money to a designated person. Prior to releasing the money Jail Staff member will verify the request with the inmate and verify the identity of the person the money can be released to.

When releasing inmate money or upon release of the inmate, the Jail Staff member shall:

- (a) Locate the inmate's money envelope.
- (b) Verify monies in the money envelope.
- (c) Make a copy of the chain of custody on the envelope and places the copy in the inmate's record jacket.
- (d) If applicable, place a copy of the request for release of funds with the copy of the chain of custody.

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- (e) Log returned money from Inmate Cash Account out of Spillman Jail Manager.
- (f) Have the inmate count and sign for monies returned or released.
- (g) Gives the inmate or designee the envelope.

#### **905.4 JAIL STAFF ORIENTS INMATES**

During the booking process or as soon after booking as possible, each inmate shall receive an oral orientation regarding the inmate's confinement and answers to any questions the inmate may have.

During this orientation, each inmate is advised of the jail rules and regulations, of his/her responsibilities and privileges and informed he/she may have a copy of the inmate regulations upon request. If requested, these regulations must be turned in upon release of the inmate.

#### **905.5 INMATE TELEPHONE USE**

All inmates shall be provided an opportunity by telephone to arrange for bail should bail be appropriate for their booking.

After completion of the booking process, the inmate shall be advised of his/her right to complete at least two local or collect telephone calls. If the inmate chooses not to place these calls, that information shall be noted on the inmate's telephone log. If the inmate is a non-English speaking person, it is incumbent on the jail staff to expend a reasonable amount of effort to find someone to act as an interpreter.

Any inmate who chooses not to make a telephone call at booking shall be advised of the telephone system available for their use in the confinement areas of the facility. They may be afforded an opportunity at a later time to make their telephone calls depending on staff availability.

Jail Staff shall make every effort to afford every inmate telephone contact with legal assistance upon request as soon as practical. At times this may require staff to call the office of the requested legal advocate and make arrangements for a return call to the inmate.

Refer Policy 900.000 Inmate Communications for further details.

#### **905.6 TEMPORARY CLASSIFICATION**

The admitting Corrections Officer will make temporary classification, if an inmate is booked into jail at a time other than normal duty hours of the classification officer. The Classification Officer will then review the classification per Policy 909 as soon as practical and at that time, if necessary, reclassify the inmate.

##### **905.6.1 CLASSIFICATION OTHER THAN GENERAL POPULATION**

The admitting Corrections Officer determining classification will classify inmates who are assigned to other than the general population of the jail. During classification, the officer will interview each inmate during the booking process and complete the Risk Assessment forms in the Jail RMS.

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#### **905.7 RECEIVING INMATES FROM OUTSIDE AGENCIES**

Contracting agencies and transporting officers are to evaluate inmates according to criteria set forth by the contracting agency and the Issaquah City Jail. Prior to delivering an inmate, telephonic contact with the Issaquah City Jail or police dispatcher must be made to determine whether appropriate bed space is available. Persons charged with felony crimes will not be accepted at the Issaquah City Jail without authority of the Jail Manager. Inmates detained for detoxification will not be housed at the Issaquah City Jail.

##### **905.7.1 ASSURE DETENTION AUTHORITY**

The contracting agency is responsible to assure the legal authority to house and detain inmates in the Issaquah City Jail. Contracting agencies and arresting officers are responsible for the proper and legal basis for the inmate's arrest and detention.

Jail staff is responsible to verify and assure there is legal authority to house and detain the inmate proper to accepting the inmate from the delivering agency. Contracting agencies will not leave inmates at the Issaquah City Jail until a Corrections Officer has accepted the inmates.

##### **905.7.2 DOCUMENTS REQUIRED**

The following forms will be submitted by the contracting agency:

- (a) Issaquah City Jail Booking Form.
- (b) Authority to detain documents such as:
  - 1. Court Order of Holding or Commitment.
  - 2. Verified Warrant for Arrest or teletype copy of warrant.
  - 3. Citation.
  - 4. Probable cause statement in lieu of citation or warrant.

##### **905.7.3 CONTRACTING AGENCY OBLIGATIONS**

The contracting agency has the following obligations relating to the housing of inmates in the Issaquah City Jail:

- (a) Responsibility for contacting the appropriate court of jurisdiction for inmate arraignment and court appearance requirements regarding trials and hearings.
- (b) Notification of Issaquah Jail staff in a timely manner to allow inmate preparation for removal from the jail.
- (c) Providing transportation to and from these court appearances and assume full responsibility for the inmate from the time of acceptance for transport until the inmate is received back into the jail.
- (d) Responsibility to provide updated jail status information regarding the inmate's jail status as may be affected or imposed by the court at the time of return to the Issaquah Jail Facility.

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- (e) Provide transportation to and from any non-emergency medical appointments and assume full responsibility for the inmate from the time of acceptance for transport until the inmate is received back into the jail.

#### 905.8 GOOD TIME POLICY

The Issaquah Jail will allow sentenced inmates to earn good time credit. When a sentenced inmate is booked into the facility or receives a sentence while in-custody, their sentence is entered into the Records Management System and the release date is established. Issaquah Jail inmates, excluding home detention, receive one-third (1/3) good time credit.

##### 905.8.1 ELIGIBILITY FOR GOOD TIME

All inmates are eligible for good time credit once they have been sentenced. The minimum time of incarceration to be eligible for good time is three (3) days.

##### 905.8.2 GOOD TIME CALCULATION

Good time is not generally calculated for any part of any sentence served in another Corrections facility.

- (a) If time has been served at another facility, that facility will be contacted to determine how much time was spent at the facility and if eligible for credit for time served, those days may be applied toward the sentence. In case of a concurrent sentence issued by a court, eligibility for good time will be reviewed on a case by case basis.
- (b) Good time will be calculated (on that case number only) for any previous credit for time served in this facility if the persons has received a maximum sentence. (90 days misdemeanor, 365 days gross misdemeanor.)
- (c) Good time will automatically be calculated and entered at the time of initial sentencing.

Sentence	1/3	Sentence	1/3	Sentence	1/3
15 Days	5	135 Days	45	255 Days	85
30 Days	10	150 Days	50	270 Days	90
45 Days	15	165 Days	55	285 Days	95
60 Days	20	180 Days	60	300 Days	100
75 Days	25	195 Days	65	315 Days	105
90 Days	30	210 Days	70	330 Days	110
105 Days	35	225 Days	75	345 Days	115
120 Days	40	240 Days	80	360 Days	120

##### 905.8.3 LOSS OF GOOD TIME

Inmates can lose good time for the below listed behavior:

- (a) 3 or more minor infraction/s in one 30 day period.
- (b) One major infraction.



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- (c) Good time can be lost if an inmate is revoked from programs or receives a major infraction while participating in any of the offered programs.

Good time cannot be taken away without a Jail Disciplinary Hearing which affords the inmate a chance to speak of the proposed discipline and have an opportunity to explain prior to a decision that could result in the loss of Good Time.

# Classification and Segregation

## 907.1 PURPOSE AND SCOPE

The primary purpose of classification is the custodial management of inmates. That is, a process which the jail staff can utilize to properly supervise and house inmates in a way to achieve and maintain compatibility, security, and safety within the facility.

The classification process shall be utilized as a means of assigning an inmate to a risk category, or into groups which have a relationship because of common characteristics (physical and/or mental state, sex, age, and legal status) which should be accorded special treatment in terms of housing, work, programs, and other jail activities. The classification, segregation, and treatment of inmates must be based on humane considerations, recommended standards, and good security practices.

## 907.2 CLASSIFICATION OFFICER

The Jail Manager shall be the Classification Officer. He/she shall be responsible for the classification of all inmates confined in this facility. He/she may delegate some of the classification functions to other staff members, but the final determination as to classification rests with the Jail Manager.

### 907.2.1 CLASSIFICATION REVIEWS WEEKLY

The Jail Manager shall review the inmate classifications weekly. The final review and responsibility for classification of inmates rests with the Jail Manager. The Shift Sergeant or supervisor shall act as an alternate classification officer in the absence of the Jail Manager.

## 907.3 CLASSIFICATION DETERMINES HOUSING

The classification process will determine the housing assignment for all inmates, and corrections officers will inform inmates of the basis for any assignment other than general population. Basis for housing and classification assignments is as follows:

- (a) Sex of the inmate.
- (b) Reason for incarceration (felony, misdemeanor,).
- (c) Nature of crime committed.
- (d) Mental or physical condition of inmate.
- (e) Age of inmate.

### 907.3.1 SECURITY HOUSING CATEGORIES

The primary purpose of classifying and categorizing inmates is to ensure the safety of the inmate, and that the proper custodial management and security of the jail facility is assured. All inmates of the Issaquah City Jail will be assigned to one of the following security categories:

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- (a) **Maximum security:** Classification assignment of an inmate who poses a real and present high risk to the security to the jail or the safety of the staff, visitors, and other inmates. Inmates classified as maximum security require very close supervision by staff and highly secure housing. They shall be housed in an individual cell.
- (b) **Medium security:** Is a classification assignment of an inmate, which is a risk to the security of the jail. Inmates classified as medium security require close supervision by staff and a secure housing. They shall be housed in an individual cell.
- (c) **Minimum security:** Is a classification assignment of an inmate where he/she does not pose a risk to jail security or the safety of the community, staff, or other inmates. Inmates classified as minimum security require little staff supervision and a less secure housing. They shall be housed in one of three dormitories.
- (d) **Work Release:** The Issaquah City Jail does not operate a work release program in the jail facility.
- (e) **Females:** All females are housed separate from the male inmates, in the female holding area of the Issaquah City Jail. Any exceptions to this policy must have the approval of the Chief of Police.
- (f) **Juveniles:** All Juveniles are housed in the Temporary Detention Cell outside the jail facility. The Issaquah City Jail does not house juvenile offenders. Any exceptions to this policy must have approval of the Chief of Police.

### 907.3.2 INCREASED OBSERVATION

Inmates may need increased observation, when their mental issues, medical needs or behavior may endanger the health and safety of other inmates (or themselves). Inmates should, if possible, be closely supervised. The Classification Officer or designee shall note on the inmate Risk Assessment forms and on the inmate board any justifiable suspicion or verified information that would place an inmate in the this category. The following types would be considered in the observation category:

- (a) **Narcotic addicts and heavy drug users:** These types should be closely observed for withdrawal symptoms, acute anxiety, depression, and other complicating factors which could lead to suicides and/or self-inflicted injuries.
- (b) **Alcoholics:** Should be observed for symptoms of delirium tremens or other deterioration in physical condition. Should be observed for the same class or type of symptoms that would be manifested by a heavy drug user.
- (c) **Developmentally disabled or incompetent:** Immediate steps should be taken to transfer this type of inmate to a proper treatment facility. But, while in this facility, should receive maximum observation.
- (d) **Vulnerable adults:** Closely monitor for signs of anxiety or physical abuse.

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- (e) **Highly aggressive, violent potential, victimization potential, belligerent, or combative:** Segregate, if possible. Maximum observation.
- (f) **Escape Risks:** Normally does not pose a safety threat in regard to other inmates, but potentially dangerous in respect to staff personnel. Should be closely observed, and his/her person and belongings frequently searched.
- (g) **Other Special Needs:** The physically handicapped should be closely supervised to protect them from mistreatment by other inmates.
- (h) **Suicide risk:** Shall be closely and constantly supervised (See: POL-909 Suicide Prevention).
- (i) **Epileptic and diabetic:** Medication care should be closely monitored and the individual should be closely supervised in terms of adverse symptoms related to their specific affliction. The aforementioned are not all inclusive of special problems that the jail may have to deal with, but they are the more important ones, which should be dealt with routinely as special issues. All other situations shall be dealt with on a case by case basis as to whether they should be classified as needing segregation.

### 907.3.3 ADMINISTRATIVE SEGREGATION

Administrative segregation may be utilized for any of the segregation issues listed, or any other category or class of inmate that the Classification Officer deems necessary to segregate. As a departmental policy, using a broad concept, administrative segregation shall be utilized as a means of segregating certain inmates for their own protection, for purposes of investigation, and for the security of the facility.

### 907.3.4 DOCUMENTATION OF SEGREGATION

When an inmate is subjected to administrative segregation, there shall be written documentation as to the cause or reasons for such segregation. A copy of the document or report shall be placed in the inmate's detention file, and appropriate notation regarding the segregation shall be noted on the daily Jail log.

### 907.4 INMATE RECLASSIFICATION

An inmate may request reclassification as follows:

- (a) Inmate submits a request for re-classification.
- (b) Classification Officer reviews the request and determines if the inmate meets the prerequisites for being reclassified.
- (c) Inmates may be reclassified at any time by the Classification Officer, or at the discretion of the jail staff on duty, for safety, security or discipline.
- (d) The classification officer will accomplish routine reclassification of inmates on the fourth Friday of each month.

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NOTE: Inmates will be advised of the prerequisites for reclassification during their initial classification process.

#### **907.4.1 RECLASSIFICATION CRITERIA**

The Classification Officer will use the below listed prerequisites when considering inmate reclassification:

- (a) Recommendation by staff for trustee status.
- (b) Recommendation by Court.
- (c) Changes in mental or physical condition of inmate.
- (d) Not an escape or security risk.
- (e) General attitude of inmate.
- (f) Age of inmate.

#### **907.5 INMATES ADVISED OF REVIEW**

The Classification Officer or designee will advise inmates of their right to make a written request to review of their classification or housing assignments to the Classification Officer. Replies to these requests will be made by letter and the inmate advised of the decision and the basis for it.

The Classification Officer shall inform inmates of their right to appeal classification decisions made by the Classification Officer to the Support Services Commander . The appeal must be made in writing within seventy-two hours of the decision. The Support Services Commander's decision on the appeal shall be final.

# Suicide Prevention

## 909.1 PURPOSE AND SCOPE

Risk of suicide and its prevention is of foremost importance to the proper function of the jail. This policy will provide specific protocol and direction to correction staff for a proactive response to suicide prevention within the Issaquah City Jail.

## 909.2 SUICIDE RISK ASSESSMENT

Correction staff shall conduct intake screening for suicide risk immediately and prior to housing assignment (Per Policy 907.1.1 and 907.2.4). Intake screening must include inquiry regarding:

- (a) Current and past suicidal behavior;
- (b) Prior mental health treatment;
- (c) Degree of hopelessness/helplessness;
- (d) Recent significant loss;
- (e) Suicidal behavior by family member or close friend;
- (f) Suicide risk during prior contact/confinement with agency; and
- (g) Whether arresting/transporting officer believes an inmate is currently at risk.

Jail staff will notify a mental health professional in all cases of moderate to high risk.

### 909.2.1 SUICIDE RISK IS COMMUNICATED

Staff shall communicate suicide risk information at the following levels:

- (a) Between the arresting/transporting officer and jail staff;
- (b) Between and among jail staff including medical and mental health personnel; and
- (c) Between jail staff and the suicidal inmate.

### 909.2.2 STAFF WILL INTERVENE IN SUICIDE ATTEMPT

Staff members who discover an inmate attempting suicide should immediately respond by surveying the scene to ensure that the emergency is genuine, and calling for back up. The member will then:

- (a) Attempt to ensure both inmate and officer safety;
- (b) Alert other staff to call for medical personnel and/or Eastside Fire & Rescue; and
- (c) Begin life-saving measures until relieved by medical personnel.

Staff should never presume that the inmate is dead; but rather initiate and continue life-saving measures until relieved by medical personnel.

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The jail facility shall have a first aid kit, pocket mask, Ambu bag, and rescue tool (to quickly cut through fibrous material) available to staff all times.

### **909.3 HOUSING FOR SUICIDE RISK**

Whenever possible isolation should be avoided for inmates presenting suicide risk factors. Inmates believed to be at risk will be housed in general population or in close proximity to staff in suicide-resistant or protrusion-free cells. Removal of clothing (excluding belts and shoelaces), as well as the use of physical restraints should be avoided, and only used as a last resort for periods in which the inmate is engaging in or presenting self-destructive behavior.

#### **909.3.1 STAFF OBSERVATION REQUIRED**

Correction staff will use one of the following levels of suicide observation for inmates believed to be at risk:

- (a) **Close Observation** - Reserved for the inmate who is not actively suicidal, but has expressed suicidal ideation and/or has recent prior history of suicidal behavior, requires supervision at staggered intervals not to exceed every 15 minutes. In addition, an inmate who denies suicidal ideation or does not threaten suicide, but demonstrates other concerning behavior (through actions, current circumstances, or recent history) indicating the potential for self-injury, should be placed under close observation.
- (b) **Constant Observation** - Reserved for an inmate who is actively suicidal (threatening/engaging in the act), requires supervision on a continuous/uninterrupted basis.

CCTV can be used as a supplement to, but never as a substitute for these observations. Jail staff will notify jail medical staff and mental health professional in all cases of moderate to high risk.

#### **909.3.2 OBSERVATION CHANGE IS JOINT DECISION**

The decision to take inmates off Close Observation and/or to downgrade their status from Constant Observation to Close Observation will be made jointly by a qualified medical professional after consulting with a mental health professional or mental health professional, and the Jail Manager.

### **909.4 SYMPTOMS REFERRED TO MEDICAL STAFF**

Any inmate who exhibits any of the following symptoms shall be immediately referred to the jail physician or Mental Health Professional (MHP) for evaluation:

- (a) Hallucinations - hearing voices; seeing visions; perceiving something that is not there.
- (b) Illusions - misperceiving something that is there - e.g., thinking he is someone else, seeing an object as something it is not.
- (c) Delusions - strange beliefs or ideas, often overly religious or grandiose. May believe people are out to get him, or that thoughts can control others.
- (d) Extreme hyperactivity - constant moving; talking; inability to sleep for long periods of time. Withdrawal - very little activity; refusal to eat; speak or get out of bed.

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- (e) Obsessions - persistent thoughts that the person feels he cannot get out of his mind, e.g., thoughts of suicide harming someone else, etc.
- (f) Compulsions - repeated actions; person feels forced to act in a certain way, e.g., washing hands over and over.
- (g) Phobias - severe, unrealistic fears - person may have increased pulse rate, hyperventilation, sweating, etc., in the face of a situation not normally frightening.
- (h) Catatonia - unusual, rigid posturing - e.g., person stands with arms and legs in a particular position for hours at a time.
- (i) Flight of ideas - strange speech, stringing together unrelated topics and thought without apparent order.

In any referral of this type, explore the recent and past history of drug and alcohol use and abuse. So this information is provided to the jail medical staff or the MHP. Alcohol, drugs and withdrawal from either can cause many of the same symptoms.

#### **909.4.1 TRANSPORTATION MAY BE REQUIRED**

Jail staff should be aware that the jail medical staff or Mental Health Professional may require the transportation of an inmate exhibiting symptoms identified in Policy 911.4 to a hospital for a mental health evaluation. These types of medical transports should be conducted by ambulance for the safety of the inmate and staff.



## **Bedding, Clothing and Jail Sanitation**

### **911.1 PURPOSE AND SCOPE**

It is the policy of the Issaquah Jail that the jail shall be kept in a clean and sanitary condition at all times. This includes the inmates and their issued bedding and clothing. All jail staff shall make a concerted effort to prevent the accumulation of dirt, filth, rubbish, garbage and other matter detrimental to health. At least once daily all areas of the jail shall be swept vacuumed and mopped with a detergent/disinfectant solution. Jail staff shall be constantly alert for any signs or indications of insects or rodents within the facility. If such evidence is noted, the Jail Manager shall be notified immediately.

### **911.2 INMATES MUST REMAINED CLOTHED**

Inmates shall be clothed at all times unless showering. Jail staff will issue the inmate uniform which consists of underwear, bra for females, inmate shirt, trousers, and PVC slip-on sandals. Inmates, who are assigned as Trustee, may wear their own tennis shoes, or jail issued rubber boots.

#### **911.2.1 LAUNDERING PERSONAL CLOTHING**

If determined necessary by staff, an inmate's personal clothing worn when admitted to this facility shall be cleaned or laundered prior to storage to reduce odors in the jail.

An inmate may request laundering of their personal clothing prior to release. Staff will grant these requests only if time is available to comply with the request. The inmate should be notified if this request cannot be accommodated.

#### **911.2.2 ISSUED BEDDING LAUNDERED**

Staff shall issue clean bed linens to inmates once weekly. The bed linen issue shall consist of one mattress cover sheet and one blanket. Linens and blankets shall be cleaned before reissue.

Mattresses shall be cleaned and sanitized with a water/bleach solution before being reissued to another inmate. Staff shall insure this occurs as soon as practical after a mattress is turned in by an inmate.

### **911.3 INMATE HYGIENE AND CLEANING REQUIRED**

All Living units in the jail are supplied with body soap for inmate hygiene. Personal hygiene items are issued per Policy 907.2.8.

Each inmate shall be required to maintain a livable environment in his own cell or living area and shall also be required as ordered to clean other spaces or assist in cleaning other spaces within the confinement area.

### **911.4 DAILY SANITATION INSPECTIONS**

The Jail Manager or designee shall conduct a daily sanitation inspection of the jail facility. All trash and garbage containers shall be emptied at least once daily or more often if necessary.

## Jail Food Service and Nutrition

### 913.1 PURPOSE AND SCOPE

Staff will provide inmate food service as follows:

- (a) Inmates shall be fed at least three times a day.
- (b) The meals shall be served at the following times: 7:00 am, 12:00 noon, and 5:00 p.m.
- (c) Food shall be served in the proper manner. Hot food served hot, cold food served cold.
- (d) The meals shall be served on trays. All food trays will be accounted for going into and coming out of inmates eating quarters.
- (e) Inmates shall receive fresh fruit at least once daily.

### 913.2 STAFF MAINTAINS PERMIT

The Correction officers shall maintain a current Food and Beverage Workers Permit. Inmates assigned to the kitchen shall work under the supervision of the Correction Officers and need not acquire a Food and Beverage Worker Permit. The King County Health Department shall periodically be consulted and approve jail menus.

#### 913.2.1 STAFF INSPECTS INMATE WORKERS

The jail staff shall visually inspect each inmate who works in the kitchen daily for any skin rashes or any other condition that would indicate the handling of food would create an unwholesome or offensive situation. In addition, this shall be a preventative measure in the control of communicable disease.

### 913.3 SPECIAL DIETS REQUIRED

Any special diets ordered by the jail physician shall be strictly complied with when requested that the jail physician confer with the Jail Manager as to the feasibility of preparation and serving of special diet.

Staff shall make every practical effort to provide legally required special diets when requested. If possible every reasonable effort should be made to honor requests for special diets such as vegetarian, low sodium or special religious requests. These request are not necessary if they require special orders outside the usual jail food vendor unless mandated by a physician.

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## **Inmate Access to Legal Materials**

### **915.1 PURPOSE AND SCOPE**

Inmates in the Issaquah City Jail have a constitutional right to participate in their own legal processes. Therefore, it is the policy of this Jail that all inmates shall have access to legal assistance and legal materials upon request of the inmate.

### **915.2 STAFF SHALL NOT OFFER LEGAL ADVICE**

Staff members of this department shall not offer legal assistance to anyone including inmates of this facility. Staff shall not recommend a particular attorney, assist in the preparation of any legal papers, or offer any legal assistance except to assist in obtaining legal reference material.

#### **915.2.1 INMATES REFERRED TO ATTORNEY**

When an inmate requests legal assistance he/she shall be referred to an attorney, public defender or legal clinic for assistance. The inmate shall be provided a telephone book or public defender contact information so the inmate can make their own legal assistance selection. As soon as practical, staff should provide the inmate telephone use for contacting legal assistance.

#### **915.2.2 INMATE ASSISTANCE ALLOWED**

Staff members will not prohibit one inmate from assisting another in the preparation of legal documents or reviewing legal materials unless requested to do so by the affected inmate.

### **915.3 INMATE MAY ACCESS LEGAL LIBRARY**

When adequate professional legal assistance is not available to inmates for purposes of preparing and filing legal papers, the jail staff will provide access to the Legal Library of the Issaquah District Court and/or Issaquah Municipal Court.

For the purposes of this section, access will include staff retrieving requested legal materials from the Legal Library's at the specific request of the inmate. All materials shall be inspected for damage or missing pages prior too and after issuance to an inmate for review or study.

An inmate shall not be given any law books or reference materials without the prior notification of the Jail Manager and logging of the specific materials given to the inmate in the inmate log.

# Jail Communications

## 917.1 PURPOSE AND SCOPE

The Constitution of the United States, the Constitution of the State of Washington and the United States Supreme Court have held that communication is a right rather than a privilege. Accordingly, it is the policy of this jail that inmate rights of communication shall be abridged only when there are reasonable grounds to believe that the security of the facility, or the welfare of the inmates or staff is endangered, or that an inmate has violated a rule pertaining to a specific method of communication.

### 917.1.1 STAFF COMMUNICATIONS WITH INMATES ENCOURAGED

Communication between the staff and inmates is encouraged for the purposes of detecting and preventing incidents from happening that may endanger the security of the facility and/or the welfare of the inmates or staff. Staff members should be receptive to the desires or requests of inmates to communicate.

Staff shall at some point in every shift circulate through the housing unit to encourage free communication between staff and inmates. This can be accomplished during the hourly living unit checks.

## 917.2 CERTAIN COMMUNICATIONS AUTHORIZED

The specific areas of communication offered by the Issaquah City Jail include, but is not necessarily limited to the following:

- (a) Use of Telephone (POL-919.3).
- (b) Inmate Mail and Correspondence, and
- (c) Inmate Visitation.

## 917.3 TELEPHONE COMMUNICATIONS

Telephone communications in the Issaquah Jail are conducted through the collect call only telephone system available in the dayrooms of the housing units.

Social use of the telephone system is considered a privilege, and may be revoked or denied as a result of an inmate's violation of any of the rules and regulations of the Issaquah City Jail. Maximum length of call is not usually regulated, however if more than one inmate is waiting for use of the telephone calls are limited to fifteen minutes.

### 917.3.1 TELEPHONE SYSTEM IS RECORDED

The jail collect telephone system is a recorded system that records all calls. The system has a notification element that informs the call participants that all conversations are recorded and accepting the call constitutes consent for recording. In addition, signage is posted near each phone advising the calls are recorded.

## *Jail Communications*

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### **917.3.2 EMERGENCY MESSAGES ACCEPTED**

The main jail phone line is not designated as a messaging system for inmates. Inmates shall be notified by staff that only emergency messages will be relayed through the jail main phone line. Emergency messages, will be passed to the inmate as soon as there is staff available to deliver the message.

### **917.3.3 NON COLLECT PHONE ACCESS**

Inmates are allowed access to non-collect local phone calls when first booked into the jail (two calls), to attempt to make bail and for toll free calls to attorneys upon request of the inmate or attorney.

All calls to attorneys shall be made when staff is available to accomplish the calls in a manner to allow the inmate free unmonitored access where they are free to speak without staff monitoring the call or the inmates end of the conversation.

### **917.4 INMATE MAIL AND CORRESPONDENCE**

Each inmate shall be permitted to mail out any number of letters to his attorney, the courts, or elected officials. On all out-going mail, the inmate shall place his name and return address in the appropriate place.

Other than stated above, an inmate may send as many letters as they can afford postage. The jail will pay postage for no more than three (3) letters per inmate per week.

Inmates may be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials and photographs that may lawfully be delivered through the United States mail.

Staff will not retain incoming or outgoing mail for more than one day (excluding weekends and holidays), and they shall not restrict the number of letters an inmate may receive, or the persons with whom an inmate may correspond unless by court order.

#### **917.4.1 PACKAGES SUBJECT TO REGULATIONS**

The following regulations apply to inmate packages:

- (a) Staff will only accept packages no larger than the approximate size of a shoebox.
- (b) Staff shall open and inspect all packages and accept only approved items.
- (c) Staff shall inspect outgoing packages of inmate personal property to ensure ownership and compliance with postal regulations.
- (d) Outgoing packages will be mailed at inmate expense.

#### **917.4.2 INCOMING MAIL INSPECTED**

Incoming mail shall be opened and inspected for contraband, cash and checks, but shall not be read or censored without cause.

## *Jail Communications*

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When a permissible item is received in the mail, staff shall give it directly to the inmate. If the item is to be withheld for any reason whatsoever, staff shall give the inmate a signed receipt stating that the item has been received.

Incoming mail for post-conviction inmates that is clearly marked as coming from an attorney, court or any elected official may be opened and inspected for contraband, cash, and checks only in the presence of the inmate.

### 917.4.3 MATERIAL MAY BE DENIED

Receipt of certain materials may be denied an inmate if there is reasonable justification to indicate that the materials would create a detrimental atmosphere in regard to jail security, or the welfare of inmates or staff.

When an inmate is prohibited from sending or receiving mail, or when materials are denied or withheld from an inmate, the inmate shall receive immediate written notice of the prohibition and an explanation of that denial. The affected inmate shall be informed of his right to have such a decision reviewed by the Jail Manager and/or the Support Services Commander. The inmate requesting review shall receive a written decision of the appeal.

### 917.4.4 CONTRABAND RECEIVED IN MAIL

Items that are determined contraband and are not permitted by jail rules, may be:

- (a) Placed in the inmate's personal property;
- (b) Returned collect to the sender; or
- (c) Destroyed

Staff must have written approval of the affected inmate prior to destroying any item received that is not permitted by jail rules.

Contraband considered dangerous or illegal, as defined in RCW 9A.76.010 and the accompanying letter or package shall be turned over to the proper authorities for handling as evidence, for disciplinary action or possible prosecution under Chapter 9A.76.140, 150, 160, or other applicable statutes.

### 917.4.5 SENDER PROVIDED REASON FOR NON-ACCEPTANCE

When an inmate is prohibited from receiving a letter, the letter and a written, signed notice stating the reason for denial shall be given to the sender. The inmate shall also be given a notice in writing that the letter has been prohibited, indicating the reason and the sender's name.

### 917.4.6 INCOMING MONEY DOCUMENTED

When money or checks are received in the mail, staff shall place them in the inmate's money envelope, and make notation on the face of the envelope. Staff shall also promptly issue a signed receipt to the inmate indicating the amount received.

## *Jail Communications*

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### 917.4.7 COURT ORDER TO OPEN OUTGOING MAIL

Staff shall not open out-going mail except by a court order, or reasonable grounds to believe that the contents of a letter may present a clear and present danger to jail security, or is in violation of state or federal law.

### 917.4.8 RESTRICTION OF MAIL REGULATED

The denial or restriction of inmate correspondence shall not be used for disciplinary or punishment purposes, unless the inmate has violated rules pertaining to correspondence. At no time will restriction of mail privileges apply to attorney-client mail, correspondence with court or elected federal, state, or county officials without the explicit approval of the Chief of Police.

### 917.5 INMATE VISITATION

Visitation is a privilege as opposed to a right, but this privilege may not be denied as a means of disciplinary action or punishment.

**Exception:** A violation of a jail regulation or disobedience or non-compliance to an order of a staff member relating to visitation shall be cause to terminate and deny further visitation until such violation can be reviewed by the Disciplinary Board.

#### 917.5.1 FAMILY MEMBERS GIVEN PREFERENCE

Family members, i.e., wives, husbands, children, parents, brothers, sisters, grandparents and aunts and uncles and any persons so related through marriage shall be given preference for allowed visitation unless the inmate specifies otherwise.

All visitors seventeen years of age and under shall be accompanied by a parent or guardian.

#### 917.5.2 JAIL MANAGER SETS VISITATION TIMES

The Jail Manager shall determine the appropriate days and times for visitation based on staffing needs. If it is determined that a particular inmate requires greater security, the times and/or days may be modified so that the staff may more closely supervise and monitor the visitation.

The Jail Manager may grant special visitation privileges to visitors as is appropriate for unusual circumstances such as:

- (a) Each inmate shall be allowed confidential visits from his attorney, legal assistants, his pastor and other counseling professional(s).
- (b) An inmate may be allowed confidential visits for business or educational reasons.
- (c) Law enforcement professionals shall be allowed to interview inmates at any reasonable time.

#### 917.5.3 STAFF REGULATES VISITATION

Staff is responsible to regulate visitation and inform visitor and inmates should multiple people wish to visit the inmate. Staff shall direct the visitor's attention to all of the conspicuously posted signs pertaining to visitation.

## *Jail Communications*

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### 917.5.4 VISITORS ENTERING JAIL SUBJECT TO SEARCH

Any visitor allowed to enter the jail for a contact visit shall submit to a pat search of their person and a search of any materials in their possession for weapons and contraband. Anyone who refuses a search shall be denied entrance to the jail for visitation privileges yet may still have a non-contact visit. The search pertains to any attorney or program coordinator.

On-duty police officers are not subject to a pat search but may have their bags or materials searched upon request. Staff can request an officer confirm they have appropriately checked their weapon in the proper manner prior to allowing entrance.

### 917.5.5 VISITATION MAY BE DENIED

Reasons for denying visitation shall include but are not limited to the following:

- (a) An attempt, or reasonable suspicion of an attempt to bring contraband into the facility.
- (b) A visitor obviously under the influence of, or the effect of alcohol or controlled substances.
- (c) Request from the Jail Physician that the inmate receive no visitors.
- (d) Request from the inmate that he not have visitors.
- (e) Reasonable grounds to believe a particular person would present a substantial danger to jail security management, or the welfare of inmates, staff or other visitors.
- (f) Any visitor who has been an inmate in the Issaquah Jail anytime during the previous 30 days.

### 917.5.6 VISITOR INTRODUCING CONTRABAND

Any visitor attempting to or, in fact, introducing contraband into this facility should be arrested and charged with violation of RCW 9A.140, 150, 160 or other applicable statutes as may be appropriate.

A visitor attempting to or actually introducing contraband into this facility will lose visitation privileges for up to one year or the adjudication of a criminal charges whichever comes last.



## Jail Services and Programs

### 919.1 PURPOSE AND SCOPE

The Issaquah Jail provides services and programs including but not limited to:

- (a) Commissary privileges;
- (b) Barber services;
- (c) Religious services;
- (d) Library services;
- (e) Counseling services;
- (f) Alcohol and Drug Resistance programs and
- (g) Education services.

### 919.2 COMMISSARY PRIVILEGES

The only commissary function is the presence of vending machines in the recreation room. Inmates are allowed to purchase items from vending machines with the use of a debit cards system. Commissary is a privilege and not a right. Each inmate may be provided access to commissary provided they do not owe the facility money for a booking fee or medical reimbursement. Commissary machines are supplied by an outside vendor and are the responsibility of that vendor for maintenance and operation. Any item stocked in the vending machines must be approved by the Jail Manager.

Commissary privileges may be suspended as a form of discipline when there has been a violation of jail rules regulations. Commissary privileges may also be suspended when they interfere with the security, sanitation or management of this facility.

#### 919.2.1 INMATE CASH ACCOUNTS

Inmates are not allowed to have money on their person. Payments for all commissary purchases are made by debit on the inmate's cash account. All monies received or disbursed from the inmate's cash account shall be so noted in the inmate's file. Inmates shall receive a signed receipt indicating any transactions pertaining to the inmate's account.

### 919.3 BARBER SERVICES

Inmates may receive barber services on request at their own expense, time permitting and staff availability.

### 919.4 RELIGIOUS SERVICES

Attendance at religious services shall be voluntary. Majority rule shall dictate where the service shall be held. When the majority requests religious services, they shall be held in the main day room of the locked area of this facility. If a minority of inmates request religious service, they shall be held in another area of the locked facility such as the recreation room or conference room.

# Issaquah Police Department

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### *Jail Services and Programs*

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When requested by an inmate, the visitation and services of any clergyman from any recognized faith shall be allowed.

**EXCEPTION:** These visitations should be at a reasonable time of day and may be denied if the time of the visitation interferes with the proper management and security of the jail facility.

#### **919.4.1 OBSERVANCE OF RELIGIOUS HOLIDAYS**

To the extent possible, considering the management and security of the jail, inmates should be permitted to observe religious holidays and receive sacraments of their faith.

#### **919.5 LIBRARY SERVICES**

The Issaquah Jail maintains a generous stock of books and some periodicals. Inmates may order books from the local King County Library.

#### **919.6 COUNSELING SERVICES**

All counseling or guidance services pertaining to matters outside the confines of this facility shall be considered on an inmate request basis and shall be referred to Mental Health or Department of Social and Health Services. When counselors are utilized, they shall submit their findings and recommendations in writing to the Jail Manager for appropriate action.

At no time will any member of this department counsel or otherwise advise any inmate in this facility in matters irrelevant to the functions and goals of this department.

#### **919.7 ALCOHOL AND DRUG RESISTANCE PROGRAMS**

The Issaquah Jail offers Alcoholic Anonymous and Narcotics Anonymous meetings on a regular basis. Attendance of these meetings is voluntary and subject to the rules of the facility and those volunteers who run the meetings.

Jail staff will provide the appropriate contacts to any inmate expressing an interest in researching any court approved in-patient alcohol or drug treatment programs. Staff shall allow interviews by treatment staff to assist in determining the appropriate options for treatment for any inmate.

#### **919.8 EDUCATION SERVICES**

There are no training programs in this facility. Educational programs shall be restricted to approved correspondence courses. These correspondence courses, if desired, shall be obtained by and through the inmate's own effort and finances.

#### **919.9 LEISURE ACTIVITIES PERMITTED**

Television sets shall be provided in the locked areas of this facility. Board and card games shall be allowed in the locked areas of this facility. Due to our physical plant limitations, we do not have an outdoor exercise yard. Therefore, jailers should encourage, not require, inmates to become involved in self-exercise programs.

**Exception:** Inmates shall not practice defensive tactics techniques.

## Jail Medical Records

### 921.1 MEDICAL RECORDS REQUIRED

The jail contract medical provider is responsible for maintaining and securing all inmate health/medical records. Staff shall create a medical questionnaire form at booking and that should be the only medical record in the Detention file. The confidentiality of the contents of all medical records, as required by law, shall be maintained by filing the medical record separately from the confinement record. Security of the medical records shall be maintained by keeping them locked in a separate file cabinet in the medical room. The Jail Medical Provider and/or Chief of Police shall control access to or release of any information from an inmate's medical record.

### 921.2 RECORDS FOR LESS THAN 14 DAYS CONFINEMENT

The inmate medical record file for inmates confined less than fourteen days shall contain:

- (a) Receiving Screening Form,
- (b) Health History Form, and
- (c) All other medical encounters during the inmate's period of incarceration.

#### 921.2.1 RECORDS FOR CONFINEMENT EXCEEDING 14 DAYS

The medical record file for inmates held for more than fourteen days shall contain the Medical Screening Form and the Health History Form, and all other data necessary for the overall health appraisal such as:

- (a) Physical examination,
- (b) Lab and diagnostic procedures necessary to detect communicable diseases,
- (c) Other tests or examinations as appropriate, and
- (d) Any and all other medical encounters.

### 921.3 TRANSFER OF MEDICAL RECORDS

When an inmate is transferred to another facility, a copy of his medical record file along with all other pertinent records shall be transferred with him.

### 921.4 INMATE AUTHORIZED RELEASE

Upon written authorization of an inmate a copy of his medical record file or parts thereof may be released to physicians and/or medical facilities as designated by the inmate.

### 921.5 STAFF MEDICAL TRAINING

All jail personnel shall be trained in first aid and emergency care procedures prior to their employment or during their probationary period. Jail staff will receive basic training in the following health care procedures:

# Issaquah Police Department

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### *Jail Medical Records*

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- (a) Basic first aid.
- (b) Cardiopulmonary Resuscitation (CPR).
- (c) Recognition of the basic symptoms of various illnesses common to jail environment.
- (d) Recognition of defined medical emergencies.
- (e) Recognition of the basic signs and/or symptoms of emotional disturbance and/or mental illness.
- (f) Procedures for drug recognition, dispensing, and administration or distribution.
- (g) Recognition of signs and symptoms of the side effects of drugs and/or overdose.
- (h) Proper accounting procedures for all drugs and medications.

## Jail Security

### 923.1 PURPOSE AND SCOPE

The security of the jail is among one of the highest priorities for jail staff. Keeping the facility secure and the individual inmates secure in their housing units shall be a constant concern for staff. The policy will address daily tasks that support the security of the facility.

### 923.2 EXTERIOR SECURITY

The exterior security of the jail is monitored and maintained by the Communications Center staff. Communications Center staff have 24/7/365 video monitoring of all sectors surrounding the jail facility. In addition, all perimeter doors and sallyport door to the jail facility and police facility are control electronically from the Communications Center.

Jail staff shall not possess keys to exterior perimeter doors of the jail in a manner that make them accessible to the inmate population.

#### 923.2.1 PERIMETER DOOR MONITORING

The facility security system is designed so that when access is requested at any perimeter door, an audible tone is sounded and the camera view of the access point is activated. Staff shall not allow access to anybody into the secure portion of the jail or building without first confirming the requesting person's identity and confirming they have lawful reason to access the building.

#### 923.2.2 SALLYPORT DOORS

The Communications Center staff has complete control over the sallyport doors to the jail receiving area. The sallyport is designed as a secured receiving area for accepting arrested people into the jail facility. For this reason, the sallyport doors shall remain closed at all times except to accommodate the movement of vehicles and people into and out of the sallyport.

Once a vehicle enters the sallyport, staff shall close the sallyport doors to assure the sallyport is secure for the movement of arrested people.

At the request of jail staff, Communications Center staff may open the sallyport doors and leave them open to accommodate repairs, maintenance, deliveries of goods and other business purposes. The Jail Staff shall notify the Communications Staff immediately to close the sallyport doors once their tasks are completed.

### 923.3 INTERNAL SECURITY REQUIRED

Each correction officer shall, when feasible in terms of safety and security, inspect the internal security of the jail at least one or more times during the shift. This internal perimeter shall be for the purpose of detecting any tampering with the windows, doors, vents, door locks, and any other equipment and any other activity that may indicate attempts to escape or of the introduction of contraband into the jail.

## *Jail Security*

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### **923.4 STAFF MUST ACCOUNT FOR INMATES**

The jail staff shall maintain a daily population accounting for the purpose of budgetary planning, record purposes and security reasons. The procedure for daily accounting will be as follows:

- (a) At the beginning and end of each shift, jail staff shall make an exact inmate count and rectify the count with the Jail Management System.
- (b) The staff shall confirm the jail population count on inmate count board is correct and accurate.

#### **923.4.1 STAFF MUST RECOGNIZE EACH INMATE**

It shall be the responsibility of each corrections officer to know each inmate by face and name. All jail staff, upon coming on shift, shall view the inmate census and if there have been additions since the officer's last shift, the officer shall pull the new inmates file and familiarize themselves with the inmates name and photograph. Additionally, at the first opportunity, the officer shall personally view the inmate in order to familiarize themselves with the face and name.

### **923.5 CONTRABAND CONTROL IS REQUIRED**

Staff has the responsibility to prevent the introduction of contraband into the jail facility. No inmate, inmate worker or visitor shall enter the secure portion of the building without being searched for contraband. This includes attorneys, interpreters, and program volunteers for A.A. or religious services who will have direct contact with inmates for any reason.

On duty sworn police officers, IPD staff and Issaquah Municipal Court employees are exempt from these searches.

#### **923.5.1 NOTICE IS POSTED**

Signs shall be posted at access points of the jail prominently displayed to advise the public of the searches that are required prior to entering the facility. No member of the public shall be searched if they refuse to submit to search, however, access to the jail shall be denied until such a search occurs.

#### **923.5.2 FIREARMS PROHIBITED IN THE JAIL**

There shall be no firearms carried into the confinement area. It shall be the responsibility and duty of the correction officer and other staff members to inform any officer attempting to carry a weapon into a secured area that he must leave his weapon outside of the secured area.

If the officer fails to heed the instructions of the correction officer, the correction officer shall so note this on the jail log and notify the shift supervisor as soon as possible of the refusal. The officer shall not be allowed access into the facility with the firearm until the supervisor resolves the matter and the officer properly secures their firearm.

#### **923.5.3 VISITORS ADVISED OF PENALTY**

On duty jail staff shall make certain that all persons having any contact with a inmate are aware of the penalties for giving or arranging to give anything to a inmate without official authorization.

### *Jail Security*

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Visitors shall be made aware of these penalties either verbally or by directing their attention to the conspicuously posted signs setting forth these penalties.

#### **923.5.4 MAINTENANCE WORKERS SEARCHED**

Staff shall search any maintenance staff being allowed access to the secure portion of the jail. If the maintenance person possess any tools, jail staff shall inventory the tools as the maintenance staff enters and leaves the jail to assure tools are not left unattended or within reach of inmates.

#### **923.5.5 KITCHEN UTENSILS SECURED**

All dangerous kitchen utensils and tools shall be marked for identification, recorded and kept in a secured locker in or near the kitchen. The jail staff shall inventory these utensils and/or tools after each use. The result shall be entered in the daily log. If any items are found missing during this inventory, the jail staff shall take immediate steps to conduct a search for the missing items.

#### **923.5.6 TOXIC SUBSTANCES LOCKED IN STORAGE**

Toxic substances will be under lock in the storage room. Use of these toxic substances shall be strictly supervised. Toxic substances include but are not limited to, any cleaning supplies, oven cleaner etc., and shall be stored in an area away from food supplies.

#### **923.5.7 UNSCHEDULED SEARCHES REQUIRED**

There shall be an unscheduled search of the jail for contraband at a minimum of once each week. This search will take place primarily on the day shift. A housing unit should be searched after the inmates are removed. Each inmate shall be searched for contraband prior to leaving the housing unit.

K9 units are authorized to perform searches throughout the housing units as deemed appropriate by the Jail Manager.

All searches and the results of the search shall be noted in the Daily Activity Log of the Jail Management System.

## Inmate Discipline Process

### 925.1 PURPOSE AND SCOPE

It is the policy of the Issaquah Jail that all inmates are expected to follow the rules and regulations of the jail or face disciplinary action for failing to do so. This policy will outline the duties of staff for assuring a proper discipline process, for the effective function of the jail in order to assure the safe custody and care of the inmate population.

The objective of the jail discipline program is to achieve and maintain order and control of the inmate population. Written rules and regulations will be written to provide clear guidance to all inmates outlining prohibited behavior. The disciplinary process will be outlined for clarity and consistency in its application.

### 925.2 \*\*\*PLACEHOLDER/PROCEDURE (CODE OF CONDUCT OR ?)

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)

#### 925.2.1 WRITTEN DISCIPLINE RULES AVAILABLE

Staff shall provide a copy of the inmate handbook outlining disciplinary rules, policies, and procedures of the jail to each housing unit. This written form shall contain a list of the major and minor infractions, disciplinary sanctions for violations of infractions, and an explanation of the due process of the discipline procedure. Additional copies should be available upon request of an inmate.

#### 925.2.2 INMATE MUST BE AWARE BEHAVIOR IS PROHIBITED

Inmates shall not be subjected to disciplinary action for violation of the jail regulations unless there has been reasonable advance notice to the inmate of the specific prohibited behavior.



## *Inmate Discipline Process*

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### **925.3 RULES VIOLATIONS**

Staff shall note infractions of the rules, major or minor, on the daily log. In addition, the staff member observing or discovering the infraction shall submit a written report to the Jail Manager as soon as possible. All infraction reports shall become a part of the inmate's jail record.

#### **925.3.1 MINOR VIOLATIONS HANDLED INFORMALLY**

Staff taking immediate action for minor violations is an effective way to assure proper discipline is established within the jail. Minor violations of the rules shall be handled informally by any staff member by reprimands, warning, or such other minor sanctions as prescribed in the Jail Rules and Regulations. These actions on the part of the staff member shall be noted on the daily log and shall be submitted in a written report to the Jail Manager.

#### **925.3.2 THREE MINOR VIOLATIONS CONSTITUTE A MAJOR INFRACTION**

Violation of three or more MINOR infractions arising out of separate incidents and which have been reported in writing, in the inmate's file shall be classified as a major infraction and the inmate shall appear before the disciplinary board. The three separate incidents must occur within a 30 day period.

#### **925.3.3 MAJOR VIOLATION REQUIRES FORMAL REPORT**

When an inmate has committed a major infraction of the jail rules, the staff member observing or discovering this violation shall forthwith submit a formal written infraction report to the Jail Manager. When the Jail Manager receives the infraction report, he shall investigate the incident and submit his findings with the infraction report to the disciplinary board.

#### **925.3.4 CRIMINAL VIOLATIONS HANDLED PURSUANT TO LAW**

Committing any act forbidden by these regulations, or any other act not otherwise forbidden by these regulations which constitutes a felony or misdemeanor under state law, shall be dealt with in accordance with criminal laws of the State of Washington.

When any inmate violation involves the damage, destruction and loss of any property belonging to the state, the city or to any other inmate or staff, restitution requests shall be forwarded to the prosecutor with the case filing.

Handling a violation of the law criminally, does not prevent the jail from holding a Disciplinary Hearing and imposing administrative sanctions.

#### **925.3.5 ATTEMPT CONSIDERED SAME AS ACTUAL COMMISSION**

Attempting to commit or aiding another person to commit any of jail infraction whether a minor or a major infraction shall be considered the same as the commission of the offense.

#### **925.3.6 CERTAIN VIOLATIONS CONSTITUTES INFRACTIONS OF THE RULES**

Any act committed which violates one or more of the following rules shall be classified as either a Minor or a Major Infraction. The classification shall be determined by the gravity or seriousness of the offense. Any of the following types of behavior shall constitute an infraction of the jail rules:

# Issaquah Police Department

## Issaquah PD Policy Manual

### *Inmate Discipline Process*

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- Unauthorized possession of money or other negotiable instrument.
- Possession of any item or article not authorized and/or not issued by the institution. This shall include but not be limited to such contraband as: Weapons or any article intended to be used as a weapon.
- Explosives, or the ingredients to make explosives.
- Escape materials (hand tools, saw blades, or other objects used for cutting metal, keys, lock picks, rope cord or clothing other than underwear socks, and that which is issued by the jail).
- Possession of narcotics, drugs, and paraphernalia used to introduce drugs or narcotics into the human body, alcohol, poisons or other substances used to induce sickness, and all flammable substances, including skin or eye irritants.
- Intentionally or recklessly mutilating, altering, defacing, destroying or damaging City or state property or the property of another person.
- Intentionally or recklessly setting a fire.
- Refusing to obey a lawful order of any staff member.
- Abusive language directed to a staff member.
- Lying or knowingly providing a false statement to a staff member.
- Lying with the intention of causing an innocent person to be penalized or proceeded against.
- Using any equipment or machinery, which is not specifically authorized, or using such equipment or machinery in a manner contrary to normally accepted safety standards.
- Intentional interference with the health or safety of other inmates or staff members.
- Smoking when and where prohibited.
- Failure to keep one's person and one's quarters in a clean and orderly fashion.
- Unauthorized or improper use of mail or telephone.
- Correspondence or conduct with a visitor in violation of regulations.
- Giving, selling, or trading anything of value to, or accepting anything of value from another person, inmate's family member, or friend (except when authorized).
- Refusing and/or failing to work or perform assigned tasks.
- Intentionally interfering with a staff member in the performance of his duties.
- Tampering with or blocking any locking device.
- Intentionally interfering with or failure to stand the taking of inmate counts.

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- Giving or offering any staff member or anyone else anything of value for a favor or unauthorized service.
- Communications with persons outside the jail, other than through normal channels, unless authorized.
- Engaging in or inciting a prohibited group demonstration.
- Unauthorized possession of any officers or staffs clothing.
- Committing homicide.
- Assaulting any person.
- Extortion, blackmail, demanding or receiving anything of value in return for protection against others or under threat of informing.
- Engaging in any sexual acts with other inmates, including consensual or non-consensual.
- Engaging in any consensual sexual acts with jail staff, volunteers or visitors.
- Fighting with any person (except in self-defense).
- Threatening another with bodily harm or with any offense against his person.
- Holding a person hostage.
- Escape.
- Lying to the Hearing Committee or Disciplinary Board.
- Stealing or knowing possession of stolen property.
- The unauthorized taking of extra portions of food shall be considered the same as theft.
- Rioting or inciting others to riot.
- Solicitation of goods and/or service for which the provider would expect payment when the inmate knows or should have known she/he has no funds available to pay for such goods or services.
- Being either partially or completely out of clothing, except when in the shower or using the restroom.

### 925.3.7 JAIL MANAGER MAY CREATE SUPPLEMENTARY RULES

The Jail Manager, by authority vested in him by the Chief of Police, may promulgate supplementary rules, policies and procedures, including the creation of new infractions, the reclassification of existing infractions, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall become an addition, deletion or change to this manual and shall have the same right of authority as any other section contained in this manual.

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### **925.4 DISCIPLINARY HEARING BOARD**

All inmates have a right to due process where jail rule violations are concerned. No disciplinary action resulting in the loss of privileges or good time can occur without a Disciplinary Hearing Board. The Chief of Police or designee, shall appoint a Disciplinary Hearing Board. This Board shall consist of three uninvolved staff members, but may convene with two members. It shall have the power to hear and decide all charges of major violations of facility rules and may impose sanctions.

The board shall convene and shall act on any charge against an inmate as soon as possible and no later than seventy-two hours (excluding Saturdays, Sundays and holidays) after receipt of the infraction report. .

#### **925.4.1 INMATE INFORMED OF HEARING**

Staff will give the inmate a written copy of the infraction report at least twenty-four hours prior to the hearing and notify the inmate of his right to have the hearing prior to imposed discipline.

The board shall ensure that the inmate receives advisement of his rights to:

- (a) Be present at all stages of the hearing (except during the decisional deliberations);
- (b) To appear on his own behalf; and
- (c) To present witnesses and documentary evidence.

If the presence of a particular witness, or document would be unduly hazardous to institutional safety or correctional goals, that witness or document may be excluded.

#### **925.4.2 HEARING SHOULD BE RECORDED**

All disciplinary proceedings should be recorded and done in accordance with current Washington law regarding consent. If recorded, the original tape shall be stored in the disciplinary file.

#### **925.4.3 BOARD DECISION GIVEN TO INMATE**

The decision of the board shall be given to the inmate in writing, showing the evidence relied upon and the reasons for the disciplinary action.

#### **925.4.4 INMATE HAS RIGHT TO APPEAL**

The inmate shall have the right to appeal the decision of the Disciplinary Board.

This facility shall maintain a two-step appeal procedure.

- (a) In the first step the Support Services Commander shall review the record for evidentiary or procedural defect and for infractions that are in violation of law, which shall be referred to the proper authority for prosecution.
- (b) The second step or final appellate review, the Chief of Police shall review the record for evidentiary or procedural defect and for infractions that are violations of the law, which shall be referred to the proper authority for prosecution.

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Either the Support Services Commander or Chief of Police can request a recommendation from the Jail Manager regarding the appeal.

### 925.4.5 BOARD ACTIONS RELATED TO SEVERITY OF VIOLATION

The degree of punitive actions taken by the Disciplinary Board shall be directly related to the severity of the rule infraction. The Board may impose the following sanctions or reasonable modifications thereof as the situation dictates.

- (a) **Reprimand and/or Warning:** This includes either a verbal reprimand or a written warning. A written warning shall be included in an inmate's file.
- (b) **Loss of Privileges:** This may include suspension of commissary items including books, newspapers, etc. (excluding religious or legal materials). Any recreational privileges may also be suspended. Also, any special privilege that the inmate may have had at the time of the violation may come under this sanction.
- (c) **Loss of Good Time:** Sentenced inmates may forfeit earned good time in accordance with the severity of the offense.
- (d) **Administrative Segregation:** This means confinement to cell, and minimum association with the general population.
- (e) **Disciplinary Segregation:** This form of punishment shall be for a period not to exceed ten consecutive days. When an inmate is placed in isolation he shall forfeit his commissary and recreation privileges as well as all personal property (except those items necessary for normal hygienic measures.)

Note: Under our present physical plant limitations close confinement would be considered a day lock-up. The inmate would be removed from the general population and placed in single cell confinement for a time period appropriate to the violation. This confinement shall be for a period not to exceed ten days per violation.

### 925.4.6 DISCIPLINARY EXCEPTIONS

The Board shall take into consideration the following exceptions prior to imposing disciplinary sanctions.

- (a) Restriction or denial of correspondence or visitation privileges shall be imposed only where the violation is directly related to correspondence or visitation regulations.
- (b) Where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation, not to exceed ten days, may be imposed. Provided further, that in such situations when an inmate may remain in isolation for more than ten consecutive days, The Chief of Police's prior approval shall be required unless the resident has been released from isolation for at least seventy two hours between the expiration of one isolation sentence and the imposition of another where the combined time would exceed ten consecutive days.

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### 925.4.7 CERTAIN SANCTIONS LIMITED

The following limitations apply to the below listed sanctions:

- (a) There shall be no "cell justice" or "Kangaroo Court." No inmate or group of inmates shall be given the authority over other inmates or allowed to administer punishment to any other inmates or groups of inmates.
- (b) Deprivation of food (either quantity or quality), clothing, bedding, bed or normal hygienic items and facilities shall be not used as sanction.
- (c) Correspondence privileges shall not be denied or restricted, except in cases where the inmate has violated correspondence regulations. In no case is the correspondence privilege with any member of the bar, holder of public office or the courts suspended.
- (d) Visitation privileges shall not be denied or restricted as a sanction for infraction of rules of the institution unless the violations are related to visitation. Under no circumstances are attorney-client visits restricted.
- (e) Corporal punishment and physical restraints shall not be used as sanctions.

Exception: In an emergency, reasonable physical restraint may be used to control a grossly disturbed or violent inmate. The appropriate authority shall be notified when such action has taken place.

# Emergency Restraint Chair

## 927.1 PURPOSE AND SCOPE

This policy establishes the conditions for authorization, use of, reporting, and medical checks concerning the use of the Emergency Restraint Chair (ERC). The Emergency Restraint Chair restrains arms, legs, shoulders, chest, and ankles while upright and seated in a chair specifically designed for this use.

The Emergency Restraint Chair shall not be used for punishment, harassment, or to intentionally inflict pain on any inmate. Restraints will only be applied for the minimum amount of time necessary to ensure control of an inmate.

### 927.1.1 SUPERVISOR MUST REVIEW USE

Use of the ERC may be stopped at any time the inmate's behavior becomes acceptable. However, a review of the need to continue restraints will be made by the shift supervisor. The Support Services Commander shall be notified anytime the ERC is applied. The result of that review shall be documented in writing.

### 927.1.2 MEDICAL STAFF TO AUTHORIZE MEDICAL USE

Only a physician or a qualified medical staff may order the prolonged use of restraints for medical or psychiatric reasons. Without medical authorization the use of the ERC shall not exceed two hours for inmates where behavior is due to medical or psychological reasons.

## 927.2 EMERGENCY RESTRAINT CHAIR USE RESTRICTED

The shift supervisor shall authorize use of the Emergency Restraint Chair. Use of the ERC shall be restricted to inmates housed in the jail facility or persons in custody by IPD officers and only for the following reasons:

- (a) Prevention of bodily harm to other persons,
- (b) Prevention of property damage,
- (c) Prevention of escape, or
- (d) Control a disruptive inmate.

The Jail Manager shall designate the authorized locations where the Emergency Restraint Chair may be used. This will be within the detention level of the jail facility, the medical examination room or the Temporary Detention Room.

### 927.2.1 RESTRAINTS MUST BE PROPERLY APPLIED

Staff must check restraints before use to ensure they are working properly (e.g. no defects and the locks work properly.) All defects/problems shall be corrected prior to use of the ERC.

Staff will properly apply restraints so that they do not restrict the normal flow of blood and to prevent injury; yet still provide the amount of necessary restriction/control of movement to maintain control of the inmate.

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### **927.3 MONITORING REQUIRED**

At least one staff member shall continuously observe inmates kept in the ERC. A health care staff member shall check inmates after being placed in the ERC. The inmate must be checked hourly thereafter. These checks will include an inspection of all areas of restraint contact and general observations. If the health care provider is concerned about inmate's welfare, he/she will immediately notify staff on site and the shift supervisor. One limb may be released every two hours if recommended by health care staff.

Staff will videotape the event whenever an inmate is placed in the ERC. Any injuries sustained by staff or inmates will also be photographed.

#### **927.3.1 HYGIENE STANDARDS FOR USE**

The Support Services Commander or designee shall make decisions regarding the appropriate feeding, hydration, bathing and bathroom requirements for the inmate and how these activities are to be accomplished.

### **927.4 DOCUMENTATION OF USE REQUIRED**

An incident report shall be completed whenever the ERC is used. A follow up incident report will be made following each two-hour period.

In addition to the above incident report, the findings from inmate ERC inspections will be logged into the inmates' health record. Logging entries should include, but are not limited to the following:

- (a) When the fifteen-minute observation of the inmate's behavior is done;
- (b) When the inmate is checked by health care staff, including Eastside Fire & Rescue, and any services ordered by healthcare staff are received by the inmate;
- (c) When meals are provided;
- (d) When hygiene materials are provided; and
- (e) When inmate limbs are released for rotation purposes.

### **927.5 PROLONGED USE OF E.R.C.**

Use of the ERC for a period of exceeding two hours requires authorization by the Jail Manager or if unavailable, the on-duty Sergeant or O.I.C.. All decisions regarding the authorization of prolonged use of restraints shall be documented in writing and the documentation retained. A follow up incident report will be made following each use.

### **927.6 STAFF TRAINING REQUIRED**

All correction staff will view the ERC factory video, this policy, and participate in a training environment prior to using the ERC. Training shall occur twice yearly. This training will be documented.

All shift supervisors will view the factory video and review this policy annually to stay informed on the E.R.C. and its application.



# Inmate Release

## 929.1 PURPOSE AND SCOPE

This policy will address the requirements and policies relating to the release of inmates from the Issaquah Jail.

### 929.1.1 AUTHORIZATION FOR RELEASE REQUIRED

In order to release an inmate from the Issaquah Jail, staff must receive proper authorization. Proper authorization can included but is not limited to the follow:

- (a) Time served on a sentence,
- (b) Court order of release,
- (c) Medical furlough,
- (d) Proper posting of bail or bond,
- (e) Transfer to another correctional or medical facility, and
- (f) Release by citation or PR.

Staff must verify all authorization prior to release.

## 929.2 BAIL OR BOND RELEASE

Excluding inmates reporting for a determinate sentence, all inmates shall be afforded an opportunity to secure bail should bail apply.

After the booking process has been completed, arrestees eligible for a bail or bond release shall be provided the opportunity to place a telephone call to attempt to secure their release prior to permanent housing assignments.

Inmates shall not be subjected to unreasonable delays in attempting to secure bail as well as release once bail or bond is posted.

## 929.3 PREPARATION FOR RELEASE

When preparing to release an inmate staff will consider the following:

- (a) Release authorization,
- (b) Proper identification of inmate,
- (c) Inmate return of jail issued property,
- (d) Return of inmate property,
- (e) Return of inmate money,
- (f) Need for transportation, and
- (g) Proper documentation in the Jail Management System.

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#### 929.3.1 RELEASE AUTHORIZATION

Prior to releasing the inmate, the jail staff shall verify:

- (a) The authority to release the inmate;
- (b) The required release papers have been received; and
- (c) That there are no other holds, detainees, warrants, or commitments outstanding which would preclude release.

#### 929.3.2 VERIFY INMATE IDENTITY

If staff is not diligent in verifying the identity of each inmate being released, inadvertent releases may occur resulting in escape of inmates from the facility.

Jail staff releasing an inmate shall verify:

- (a) The identity of the inmate being released; and
- (b) If the inmate is being released to another jurisdiction, the identity and authority of the officer taking custody of the inmate.

If staff is unable to verify inmate identity via the wrist band or booking photo, release shall be delayed until reviewed by the Jail Manager or a Supervisor.

#### 929.3.3 RETURN OF ISSUED PROPERTY

Prior to release the Releasing Officer shall verify that the inmate has returned to the laundry or designated area all property belonging to the jail that was issued to the inmate.

In addition, staff shall verify the inmates' housing area is left neat and clean.

#### 929.3.4 RETURN OF INMATE PROPERTY

Prior to releasing an inmate, all personal property belonging to the inmate shall be returned, except for that which was seized as evidence or was otherwise lawfully confiscated, retained, or destroyed. Unless lawfully seized, retained, or destroyed, there can be no legal justification for refusing to release to an inmate their property upon release.

For example, illegal items such as drugs (even if no charges are filed) cannot lawfully be returned, nor can items for which the inmate has previously disavowed ownership. The jail cannot be required to store perishable items. Perishables, such as food, brought to the jail by inmates who are not released soon after booking, have to be destroyed for sanitation reasons.

The inmate shall sign a receipt acknowledging the return of all their property.

#### 929.3.5 RETURN OF INMATE MONEY

Prior to releasing an inmate, staff shall verify if the inmate has money, if so staff will:

- (a) Locate the inmate's money envelope.
- (b) Verify monies in the money envelope.

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- (c) Makes a copy of the chain of custody on the envelope and places the copy in the inmate's record jacket.
- (d) Log returned money from Inmate Cash Account out of the Jail Spillman system.
- (e) Have the inmate count and sign for monies returned.
- (f) Give the inmate the envelope.

#### 929.3.6 INMATE TRANSPORTATION

Prior to release, staff shall allow an inmate an opportunity to make a phone call to arrange for transportation home. Jail staff should issue a Metro pass for inmates that could not find transportation and indicate a bus would help toward getting them home.

#### 929.3.7 RELEASE DOCUMENTATION

Prior to release, jail staff shall properly document in the Jail Management System for each inmate released:

- (a) The date and time of release;
- (b) Authorization for the release;
- (c) The agency and person to whom the inmate was released, if any; and
- (d) The money and property returned, including a receipt signed by the inmate.

## Temporary Detention Room

### 931.1 PURPOSE AND SCOPE

The Issaquah Police Department has a Temporary Detention Room as part of its Jail Facility. The use of the detention room is restricted to the short term holding of juveniles, until the juvenile can be properly released to responsible adults or transported to an appropriate juvenile facility.

Juvenile detainees are and remain the responsibility of the jail staff. The jail staff is accountable for the person placed in the temporary detention room. The jail staff will provide adequate supervision and control of the detainee. A Juvenile Detainee Log will be completed and maintained near the door of the temporary detention room.

#### 931.1.1 INTERVIEW ROOM NOT TEMPORARY DETENTION ROOMS

The Issaquah Police facility has one interview room separated by one-way glass. The interview room is authorized for conducting interviews. The interview room shall not be used for temporary detention. Detainees placed in the interview room are not to be left unattended. Detainees are to remain under direct observation at all times. There are windows in the interview room doors, if an interviewing officer must step out of the room for a moment; the officer shall position him or herself in such a manner as to keep the detaining under direct sight and sound observation at all times.

### 931.2 TEMPORARY DETENTION ROOM RESTRICTIONS

Time usage of the Temporary Detention Room is restricted as follows:

- (a) Without exception, juvenile detainees placed in the temporary detention room are to remain under the control and supervision of the Corrections Staff.
- (b) Generally, detainees should not be held for more than two hours in the temporary detention room.
- (c) In the event circumstances prevent immediate release of the juvenile detainee (parent or guardian unavailability, awaiting CRC availability, etc.), staff may be required to hold the detainee more than two hours. Under no circumstances will a juvenile be held longer than six hours, during which time the detainee will be under control and supervision.
- (d) The temporary detention room is equipped with video and audio monitoring, with units in both the Jail and Comm Center. These systems are in addition to the continuous control and supervision of the detainee, not in lieu of.

#### 931.2.1 FIXED OBJECT RESTRAINT PROHIBITED

Detainees are not to be secured to fixed objects in the Temporary Detention Room. The room is designed without any fixed objects to secure detainees to in the room.

#### 931.2.2 HOUSING RESTRICTION APPLY TO ROOM

Detainees in the Temporary Detention Room are separated as follows:

## *Temporary Detention Room*

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- (a) Generally, no more than one juvenile will be detained in a temporary detention room unless directly supervised by an Officer or Corrections Staff.
- (b) Under no circumstances will female detainees be placed in the temporary detention room with male detainees.
- (c) Under no circumstances will juvenile detainees be placed in the temporary detention room with adult detainees.

### 931.2.3 DETAINEES HAVE ACCESS TO WATER AND TOILET

The Temporary Detention Room is equipped with a toilet and sink. The sink faucet supplies fresh water and also functions as a drinking fountain. Corrections staff shall interview the detainee to determine any special needs and make every attempt to accommodate those needs.

### 931.3 RETAINING OFFICER RESPONSIBILITIES

Police Officers using the Temporary Detention Room have the following responsibilities:

- (a) Officers are authorized to use the temporary detention room without the need for supervisory approval.
- (b) Officer placing a juvenile in the temporary detention room shall immediately advise the on-duty corrections staff and dispatch staff.
- (c) Officers will fill out the Temporary Detention Room Log.
- (d) Officers will make every effort to make arrangements for proper release of the juvenile detainee, as soon as possible, after detention.
- (e) Officers shall immediately notify the on-duty jail staff and dispatch staff when a detainee is removed or released from the temporary detention room.

### 931.4 SECURITY CONCERNS FOR THE TEMPORARY DETENTION ROOM

The following security measures govern the use of temporary detention rooms:

- (a) **Weapons Control** - Officers placing detainees into a temporary detention room are to exercise appropriate measures to ensure proper weapons control. Secure weapons lockers are provided on the wall adjoining temporary detention.
- (b) **Duress Alarms** - In addition to audio and video observation of the interior of the temporary detention rooms, each room is equipped with a push button duress alarm monitored by Jail and Communications personnel.
- (c) **Access to Area and Detainees** - Temporary detention room is left locked while empty. Detainees are the responsibility of the corrections staff. Access to detainees is restricted to corrections staff and the detaining officer(s).
- (d) **Escape Prevention** - All detainees are to remain under the continuous control and supervision of the corrections staff. Staff shall be diligent to prevent any opportunity to escape.

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- (e) **Search of Detainee(s)** - All detainees will be thoroughly searched by the placing officer prior to placement in a temporary detention room.
- (f) **Security Inspection** - Corrections Officers shall conduct a security inspection of the temporary detention room at the beginning of each shift. Security inspections will be logged on the Spillman Jail System. In addition, each Officer will inspect the temporary detention room both prior to and after placing the detainee.
- (g) **Visual Observation of Detainee at Least Every 30 Minutes** - Corrections staff responsible for detainees are encouraged to conduct frequent observations, but will observe the detainee **at least every 30 minutes**. Each observation will be recorded as soon as possible, after the observation is made, in the Spillman Jail System as a cell check.

#### **931.5 FIRE PROTECTION PLAN**

The following fire protection plan is established for the temporary detention room:

(a) **Fire Prevention**

1. An automated sprinkler system with smoke detector and smoke evacuation system is present inside of the temporary detention room. Additional sprinkler heads are located just outside the door of the room in the hallway. The fire or smoke activated alarm rings in the jail and dispatch center with alpha readout indicating location.
2. The temporary detention rooms are inspected at the beginning of each shift by jail staff to ensure the room is free of debris and/or contraband.
3. Eastside Fire and Rescue, routinely conducts preventive inspections of the Police Department.

(b) **Fire Suppression**

1. Call dispatch to inform of a fire,
2. Contact the on-duty supervisor for assistance.
3. Evacuate the cell at once, using the evacuation plan posted on the wall outside the Room.
4. For small fires, use a fire extinguisher to confine the fire. A fire extinguisher is located nearby, in the hallway in front of the media interview room.

(c) **Fire Evacuation**

1. A map, detailing evacuation routes, is located on the hallway wall near the door of the temporary detention room.

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2. In the event evacuation is required, the officer responsible for placing the detainee in the temporary detention room will evacuate the detainee, requesting whatever assistance is necessary.

# Inmate Escape

## 933.1 PURPOSE AND SCOPE

It is the policy of that all precautions are taken by members of the Issaquah Police Department and Jail staff to prevent person in custody from escaping custody. Staff will immediately verify reports or suspicions of inmate escape. They will identify the escapee(s) and as soon as practical disseminate information to aid in their capture and to prevent secondary escapes during the incident.

## 933.2 SECURE IMMEDIATE AREA

Upon witnessing or discovering an escape, the officer will immediately secure the area surrounding the escape. If from the jail facility, immediate lockdown of all remaining inmates who are in an area where an escape has occurred. They will then lockdown the entire facility and conduct a head count of remaining inmates.

### 933.2.1 ISOLATE INMATES INVOLVED

Whenever staff discovers an escape attempt in the planning stages they will secure the suspected ringleader(s) and participants in isolation for interviews. Efforts will be made to recover any plans or implements to carry out the plan in an effort to stifle further attempts to escape.

## 933.3 ESCAPE NOTIFICATIONS REQUIRED

The first officer to discover an escape or attempted escape will notify their supervisor immediately.

If escape occurs from the jail, Correction staff will identify known associates of escapees and provide this information to the Supervisor or investigators, as well as a list of names and addresses of all of the escapee's visitors.

### 933.3.1 SUPERVISOR RESPONSIBILITIES

The Supervisor will take the following actions:

- (a) Advise IPD patrol and dispatch of the escape;
- (b) Notify Command Staff via the chain of command;
- (c) Notify the contracting agency; if the escapee is from an outside agency; and
- (d) Oversee the writing and distribution of reports.

If the escape is from the Jail Facility, direct dispatch to advise contracting agencies that the Jail Facility is closed and we will not be accepting any new inmates at the time. However, the Supervisor will coordinate with the Jail and Outside Agencies the movement, and/or acceptance of any inmates in transit at the time of the escape.

### 933.3.2 ESCAPEE INFORMATION PROVIDED

The supervisor will obtain as much of the following information as is possible, and provide it to IPD dispatch and patrol:



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- (a) Direction of travel;
- (b) Whether an officer is in pursuit;
- (c) Name, sex, race, and age of escapee;
- (d) Clothing description; and
- (e) Physical description to include:
  - 1. Hair color and length;
  - 2. Eye color;
  - 3. Facial hair and style;
  - 4. Scars, marks or tattoos; and any
  - 5. Deformities.

### **933.3.3 TRANSPORT OFFICER REPORTING ESCAPE**

The Transport Officer often is responsible for transportation and securing of more than one inmate. Therefore, whenever an inmate(s) escapes during a transport, the Transport Officer will take the following action:

- (a) Notify dispatch of escape requesting that they advise IPD patrol and the agency of jurisdiction;
- (b) Secure other inmates and remain with them; and
- (c) Wait for backup to arrive before taking any further action.

### **933.4 JAIL FACILITY PERIMETER**

If the escape is in progress or from the Issaquah Jail Facility, Issaquah police officers will secure the perimeter of the building until correction officers have secured all inmates within the facility and completed a head count. Some consideration should be given to the time frame surrounding the escape when establishing the containment perimeter. Patrol will then begin conducting a search of the area in an attempt to recapture escaped inmates.

#### **933.4.1 REMOVING LOCKDOWN RESTRICTION**

When the jail supervisor is satisfied that the facility is secure from further escapes and the investigation is complete he may remove the lockdown restriction.

### **933.5 DEBRIEFING OF ESCAPE REQUIRED**

The Support Services Commander or designee will arrange an incident debriefing to:

- (a) Evaluate the escape;
- (b) Evaluate jail facility security systems;
- (c) Discuss changes necessary; and

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- (d) Implement corrective action identified.

# Handling Suicides and Deaths

## 935.1 PURPOSE AND SCOPE

Staff is trained and implements every means possible in an effort to prevent death or suicides within the Jail Facility. If a death should occur, this policy will address the responsibilities of staff in handling such events.

### 935.1.1 STAFF INITIATES LIFE SAVING MEASURES

Staff should never assume that an inmate is dead; but rather call for immediate Patrol back up, assure medical assistance is notified and initiate then continue life-saving measures until relieved by medical personnel. The jail facility housing units will contain a first aid kit, pocket mask, Ambu bag, and rescue tool to quickly cut through fibrous material.

## 935.2 STAFF REPORTS DEATH TO SUPERVISOR

Correction officers discovering a death or attempted suicide within the facility will immediately advise the control booth officer to confine all inmates to their cells, and report it to the jail supervisor. They will not release anyone from the facility until authorized to do so by a commissioned officer.

### 935.2.1 STAFF SHALL REMAIN IN FACILITY

Correction officers on duty at the time of the discovery of a death will remain in the facility until excused by the investigating officer or Supervisor. They will report any additional information received to the jail supervisor who will forward it to the investigating officer. Officers involved with the discovery of the incident or receipt of additional information should submit an incident report prior to leaving shift for the day.

## 935.3 STAFF SHALL PROTECT SCENE

The jail staff will take charge of and protect the scene of a death until relieved by a Supervisor or Investigating Officer. Staff will ensure that the body is not moved from the location where it was found until authorized to do so by a Supervisor or Medical Examiner, unless necessary to initiate life saving measures. Staff will also make the following notifications:

- (a) Eastside Fire & Rescue;
- (b) IPD Police Supervisor;
- (c) Jail Manager; and
- (d) Command Staff via the chain of command.

The jail staff will assist the investigating officer by providing information and documentation as requested.

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#### **935.4 INVESTIGATION CONDUCTED BY COMMISSIONED OFFICERS**

Members of the Issaquah Police Department may conduct the death investigation and notify the King County Medical Examiner as required.

#### **935.5 JAIL FACILITY LOCKED DOWN**

During a death investigation in the jail, the facility will remain on Lockdown status. All inmates shall be secured in areas away from the scene so that investigating officers can move freely and work without disruption. Outside agencies shall be notified of the Lockdown status and that the facility is closed.

When the body has been removed and the investigation completed; corrections staff will assure the area is secure and take the inmates off lockdown. Once lockdown is completed, the Jail Manager will determine if the facility can be opened and make the proper notifications.

#### **935.6 STAFF WILL ATTEND A DEBRIEFING**

The Support Services Commander or designee shall arrange for a debriefing of the death event. Staff involved in the discovery of a death will attend the debriefing. The debriefing should include the presence of grief counselor(s) and or access to a department approved mental health professional as soon as possible after the incident.

# Use of Chemical Agents in the Jail

## 937.1 PURPOSE AND SCOPE

Chemical Agents are authorized for use within the IPD Corrections Facility for the purpose of preventing immediate threat of bodily injury or death when other means have failed. Chemical agents may also be used in the following circumstances:

- (a) When verbal commands have failed;
- (b) To remove an inmate refusing to exit an area when lawfully ordered to do so;
- (c) To defend a person from bodily injury; or
- (d) To subdue an inmate when other means of control are impractical.

## 937.2 STAFF MUST CARRY CHEMICAL AGENTS

All on duty Corrections Officers are required to carry ONLY Department authorized and Department issued chemical agents.

### 937.2.1 APPLICATION CONSIDERED USE OF FORCE

Any application of chemical agents will be considered a use of force and used in compliance with Policy 308. Application also requires a use of force report pursuant to Policy 300.

## 937.3 STAFF TO PROVIDE TREATMENT / CLEANUP AFTER APPLICATION

Officers will assure that anyone who is injured by the applied use of force receives immediate medical examination and treatment. Inmates will be examined in the medical examination room unless it is impractical to move them. Whenever assisting an inmate who has received a chemical agent application, the officer:

- (a) Applies first aid when necessary.
- (b) Instructs inmate to flush affected areas with cold water;
- (c) Allows inmate to wash affected areas (except eyes) with soap;
- (d) Issues clean uniform to inmate.
- (e) Removes contaminated items from cell.
- (f) Washes cell with soap and water.
- (g) Issues clean items to replace the contaminated items removed.

# Electrical Failures

## 939.1 PURPOSE AND SCOPE

Correction Officers will familiarize themselves with the location of all facility circuit breakers and electrical switches as well as the equipment that they serve. This policy will address the handling of such outages.

## 939.2 MINOR ELECTRICAL FAILURES

A minor electrical failure involves loss of power to one or two circuits. The correction officer who discovers a minor electrical failure will notify the jail supervisor and/or Facilities Maintenance Staff who will ensure that the circuit breaker is reset. If a breaker will not reset the officer will notify the Jail Manager or Supervisor.

## 939.3 MAJOR ELECTRICAL FAILURES

A major electrical failure involves total loss of power to the facility. The emergency generator will self-start within one minute of the failure.

If the generator fails to start the correction officers will:

- (a) Notify a Supervisor of the failure.
- (b) Obtain a facility flashlight.
- (c) Cancel all non-emergency functions.
- (d) Conduct a formal inmate count.
- (e) Escort visitors and volunteers out of the facility.
- (f) Check the status of any inmate outside of the facility.
- (g) Conduct constant observation checks of inmate housing units.
- (h) Conduct additional inmate count when power is restored.
- (i) Complete an incident report.

# Fire Emergencies

## 941.1 PURPOSE AND SCOPE

IPD Correction staff and contracted employees will make every effort to prevent fire in the facility. They will accomplish this through proper supervision of inmates and control of flammable materials throughout the facility, particularly, in inmate occupied sections.

Should a fire emergency occur this policy will direct staff action.

## 941.2 STAFF CONDUCTS FIRE DRILLS

Corrections staff will hold periodic fire drills. These drill should include annual drills that will include Eastside Fire & Rescue and IPD personnel.

Drills with include staff training to recognize and respond to fire alarm signals, and to initiate fire alarm signals using both the fire alarm system and the public address system.

## 941.3 JAIL MANAGER RESPONSIBILITIES

The Jail Manager will ensure that:

- (a) Eastside Fire & Rescue inspect the facility annually;
- (b) Fire fighting, detection, and alarm equipment is inspected and/or tested monthly;
- (c) A floor plan showing evacuation routes and fire fighting equipment locations is current and available in the control booth, and at the floor and booking posts; and
- (d) Corrections staff requires inmates to dispose of trash daily and does not allow the stockpiling of flammable materials.

## 941.4 CONTROL BOOTH NOTIFIED OF FIRE

Whenever facility staff members become aware of a fire they will immediately advise the control booth officer of which fire zone the fire is in and the exact location and nature of the fire. Fire Zones are as follows:

- (a) Zone #1 A Living Unit.
- (b) Zone #2-4 Dormitories and corridor.
- (c) Zone #5-7 Holding cells and dayroom.
- (d) Zone #8 Booking room, intake room, and three holding cells.

### 941.4.1 CONTROL BOOTH RESPONSIBILITIES

During a fire emergency the Corrections Officer(s) at the Control Booth have the following responsibilities:

- (a) Immediately calls dispatch on ringdown line and activate the fire alarm on the control booth panel.

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- (b) Directs dispatch to notify Eastside Fire & Rescue, and IPD chain of command.
- (c) Requests assistance from IPD police officers.
- (d) Notifies correction staff via intercom or radio by stating "Code Red Zone #\_\_\_ and location."
- (e) Immediately closes the fire separation doors.
- (f) Directs the removal of all inmates located within the affected Fire Zone(s).
- (g) Locks down inmates in their cells who are not in the affected zone.
- (h) Escorts all civilian personnel out of the building who are not inmates.
- (i) Determines if immediate evacuation is needed and if so implements Evacuation Plan.
- (j) If immediate evacuation is not needed, proceeds to the affected Fire Zone and provides assistance.

### **941.4.2 OFFICER TO REMAIN AT CONTROL BOOTH**

During a Fire Emergency, one Corrections Officer is to remain at the Control Booth at all times until complete evacuation is implemented or until properly relieved.

### **941.5 CORRECTIONS STAFF SHALL VERIFY SECOND PARTY REPORTS**

Whenever a person who is not a corrections officer reports a fire within the Jail Facility, a corrections officer will verify the report prior to notifying the Control Booth officer.

A verified false alarm can then be deactivated at the panel located in dispatch.

### **941.5.1 PATROL ASSISTANCE**

Whenever a reported fire in the facility has been verified by corrections staff all on-duty sworn staff will respond to assist the jail with the Fire Emergency. All responding officers should take care not block the east end of the Police Department or parking lot as this is the direct access location for the fire personnel and the evacuation path.

### **941.6 JAIL MANAGER RESPONSIBLE TO COORDINATE EFFORTS**

The Jail Manager shall be responsible for coordinating the efforts of firefighters and IPD officers during fire emergencies until relieved by the Support Services Commander or designee.

If the Jail Manager is unavailable the first Supervisor on the scene shall assume the Jail Managers role.

### **941.7 JAIL EVACUATION**

When assessing a Fire Emergency, Corrections Staff shall consider the following evacuation areas depending on the location and severity of the fire. If partial evacuation is deemed necessary, it is vital that Corrections Staff secures the fire separation doors immediately after evacuation occurs. Whenever evacuating inmates, the corrections staff will consider the following:



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- (a) Move inmates to the recreation room, if the fire is confined to Zone #5 - #8.
- (b) Move inmates to dayroom of Zone #5 - #7, if fire is confined to Zone #2 - #4.
- (c) Move all inmates out of facility according to the evacuation plan, if fire or smoke is severe in Living Units.
- (d) Move inmates outside through sally port to Memorial Field, if containment is possible.
- (e) Requests mutual aid from other jurisdictions needed for containment.
- (f) If possible without risking injury, remove booking folders to account for inmates, if building is evacuated.
- (g) Direct Dispatch to requests bus from Metro Transit Communications (206-684-1705), if inclement weather.

#### 941.7.1 SYSTEM FAILURE REQUIRES IMMEDIATE EVACUATION

The Issaquah Jail is supported by a smoke evacuation system that is tested semi-annually by the Fire System maintenance contractor. In the event of a Fire Emergency, should the smoke evacuation system fail to activate, corrections staff should immediately implement the complete evacuation of the Jail Facility.

# Earthquake Plan

## 943.1 PURPOSE AND SCOPE

This policy will direct the actions of Corrections Staff during and after an earthquake event.

## 943.2 CONTROL BOOTH ACTIONS

During the onset of an earthquake event the control booth officer will use the intercom and advise everyone in the facility to:

- (a) Duck and cover under tables, counters, bunks, or doorways;
- (b) Stay away from windows and objects that could fall; and
- (c) Crouch down covering head and neck with arms.

If there is no cover available the officer will advise people to move against a wall and duck and cover their heads.

### 943.2.1 STAFF TO CONSIDER AFTERSHOCKS

Officers will be aware that aftershocks will likely occur following an earthquake and that they may cause more damage than has already taken place due to the weakened condition of the structure. At least one Corrections Officer should remain at the Control Booth following an earthquake event in case of aftershocks.

## 943.3 MEDICAL AND SECURITY NEEDS PROVIDED

All medical and security requirements will be provided in an efficient and expedient manner to preserve the safety of inmates, visitors and staff during an earthquake event.

## 943.4 STAFF DUTIES AFTER EARTHQUAKE

Correction staff should assess the jail after an earthquake event. Whenever assessing an earthquake event, the correction officer:

- (a) Instructs everyone present to not use matches or other open flames.
- (b) Notes life threatening hazards, structure damage, utility leaks, power failures, and security needs. Report any such threats immediately to the Control Booth and Jail Manager.
- (c) Moves inmates back into their cells or dayrooms that may have been out prior to the earthquake event.
- (d) Maintains control of inmates.
- (e) Administers first aid and requests medical assistance as needed.
- (f) Conducts and maintains an accurate head count of everyone in the facility.

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### **943.5 DUTIES IF FACILITY UNSTABLE**

If after an earthquake event, the jail facility is determine to be unstable and/or unsafe for occupancy the correction officer will prepare for evacuation. The Corrections Staff will:

- (a) Calls patrol for backup.
- (b) Implement the Facility Evacuation Plan.
- (c) Remove inmates to a safe place such as Memorial Field located at the rear of facility.
- (d) Notify contract agencies of the facility closure and direct them to retrieve their inmates for placement in another facility.
- (e) Coordinate the release of Issaquah inmates or placement in another facility.
- (f) Release inmates should be instructed to contact the court for further adjudication of their case.
- (g) Instructs all other people to leave the building.

## Jail Disturbances or Riots

### 945.1 PURPOSE AND SCOPE

Disturbances involve uncooperative behavior by a minimal number of inmates that can easily be controlled with immediate action. In these situations no one is in eminent danger.

Riots involve tumultuous acts by any number of inmates that cause willful disorder and confusion creating an out of control situation. People in the facility are in danger of physical harm during riot situations.

Officers will handle disturbances and/or riots in the Corrections Facility immediately to ensure the de-escalation of violence and to prevent injury to staff, inmates or any other person in the facility as well as to prevent damage to the facility.

### 945.2 STAFF WILL OBSERVE BEHAVIOR

Observing and reporting significant changes in inmate behavior can sometimes avert disturbances. These changes might include one or more of the following:

- (a) Change in dining, sleeping, recreation, emotional disposition, and friends or work habits.
- (b) A sharp increase in disciplinary infractions.
- (c) A decrease in inmate visitations.
- (d) Challenge to staff authority.

Any of the above can be due to reasons other than a planned disturbance or riot. They can, however, be signs of facility unrest and should be monitored and evaluated to determine if patterns are developing that might lead to a disturbance or riot.

### 945.3 HUNGER STRIKES

The jail supervisor will attempt to resolve hunger strike situations by communicating with the inmate(s) involved determining the problem and possible solutions. The Jail Manager will notify medical staff if a hunger strike continues for more than 24 hours. Medical staff will check the physical wellbeing of the inmate(s) daily to determine what medical care is needed.

Force feeding an inmate has serious consequences and will only occur under medical supervision as the result of a valid court order.

### 945.4 HANDLING JAIL DISTURBANCES

Most jail disturbances are minor in nature and can be defused by staff as follows:

- (a) Use verbal communication in an attempt to change uncooperative behavior.
- (b) Clear other inmates from the area.

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- (c) Order all inmates to their bunks in a dorm setting or into their cells if disturbance is in the hard side dayroom.
- (d) Notifies the jail supervisor immediately and requests assistance.

Jail Supervisor Proceeds to the area and attempts to determine:

- Cause of disturbance;
- Action to be taken; and
- Reports to be written.

### **945.5 HANDLING RIOTS**

Riots are emotionally charged, violent events that place staff and inmates in immediate danger. Due to the danger of a riot any officer observing a jail riot in progress **will not** enter the disturbance area alone. Officers **will not** attempt to quell a riot until sufficient help has arrived.

The officer discovering a riot will immediately notify the jail supervisor and all available correction officers advising them of the area and number of inmates involved.

#### **945.5.1 DISPATCH NOTIFICATION**

Corrections Staff will immediately notify dispatch of a jail riot, it's location within the jail, number of inmate involved and request immediate back up.

All sworn staff with respond immediately to the jail upon the report of a jail riot.

#### **945.5.2 CONTROL BOOTH OFFICER DUTIES**

Once a Corrections Officer in the Control Booth is informed of a verified riot in the jail, the officer will:

- (a) Immediately lockdown the facility and any uninvolved inmates.
- (b) Notify dispatch reporting the area and approximate number of inmates involved.
- (c) Notifies dispatch of riot situation and requests assistance from IPD police officers and Eastside Fire personnel; and notification Command Staff via the chain of command.
- (d) Attempts to identify agitators and ringleaders via video monitoring.
- (e) Coordinates the entry of Police Officers into the disturbance area.
- (f) Assures the removal of the ringleaders and has them placed into isolation cells.
- (g) Directs clean up of disturbance area.

The Corrections Officer at the Control Booth will assume these responsibilities until relieved by the Jail Manager or Supervisor.

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#### 945.5.3 CORRECTIONS OFFICERS HAVE BACK UP ROLE IN RIOT

Once a riot is verified in the jail, the Correction Officers not in the Control Booth are to take a back up role to the sworn staff. Corrections Officers will not enter the area of the riot unless requested by the Police Supervisor and will be utilized in a back up capacity only for the Police Officers.

#### 945.5.4 FACILITY DAMAGE REPAIRED

The jail supervisor will request that any damage done to the facility be repaired as soon as possible. The Chief of Police or designee may prohibit use of areas that are damaged beyond immediate repair.

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# Special Operations Team Deployment in the Jail

## **947.1 PURPOSE AND SCOPE**

The Special Operations Team is authorized by the Chief of Police to respond to events in the jail similar but not limited too hostage taking, riot, escape, and staff emergency assistance requests.

Whenever responding to a jail facility emergency the Special Operations Commander or his designed Team Leader is the Incident Commander. He will assume control of the jail facility and its personnel until the incident is resolved. The Jail Manager is encouraged to remain in the Command Post in an advisory position during the event and to assume control of the facility once the incident has ended.

## **947.2 CORRECTIONS STAFF BRIEFS SOT LEADER**

When the Special Operations Team responds to a request for assistance the Jail Manager or designee will brief the Team Leader prior to the team's entry into the facility.

The Jail Manager or designee, will order the closure of the Jail Facility and lockdown of all inmates prior to containment team entry into the facility.

# Transporting Prisoners

## 949.1 PURPOSE AND SCOPE

It is the purpose of this policy is to address the issues surrounding the transportation of prisoners as well as the policies affecting the Jail Transport Officer.

### 949.1.1 PRISONER DEFINED

A prisoner is defined as a person under arrest, or in custody, by Issaquah Police Officers or the Issaquah Jail.

## 949.2 SEARCHES PRIOR TO TRANSPORT

Before placing a prisoner in a police vehicle for transportation, the transporting officer will search the prisoner, making sure no weapons were overlooked. The officer should never assume a search was made by another officer. Prisoners will be searched each time they come into the transporting officer's custody, including transports to and from court appearances, medical appointments, and between jails, etc.

### 949.2.1 TRANSPORT VEHICLE SEARCHED

Every time a prisoner is transported in a police vehicle, an opportunity arises for the introduction of contraband or weapons into that vehicle. Officers will **thoroughly search** their patrol vehicles prior to and after transporting prisoners, **and** at the beginning and end of their shifts.

### 949.2.2 PROPERTY PLACED IN PROPERTY ROOM

All contraband or property seized from a transport vehicle will be marked, tagged and placed in the Police Department's property room, with the necessary reports being submitted for supervisory review.

## 949.3 SAME GENDER TRANSPORTING OFFICER PERFERRED

Whenever possible, female officers should accompany female prisoners being transported, and male officers should accompany male prisoners being transported.

When it is necessary for an officer of the opposite gender to transport a prisoner, the transporting officer shall report the departure location, mileage (within 1/10th of a mile) and time, and their arrival location, mileage and time to the Issaquah Communications Center. The dispatcher shall record this information in the radio log.

## 949.4 RESTRAINTS ARE REGULATED

Types of restraints used while transporting prisoners are regulated. Appropriate restraints (i.e. handcuffs, waist chains, and leg irons) will be used during transports. The following standards apply:

- (a) Prisoners will not be handcuffed to vehicles.



## *Transporting Prisoners*

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- (b) All arrested persons shall be handcuffed with their hands behind their back. Exceptions may be made in limited instances at the discretion of the transporting officer, keeping in mind the safety of himself and others.
- (c) Prisoners expected to be transported over an hour should be transported in belly chains.
- (d) Prisoners with medical considerations will be restrained with due care according to their medical needs.
- (e) All arrested persons being transported in a police vehicle shall be properly secured with a seat belt.
- (f) Prisoners may be restrained by "soft restraints" in ambulance or aid vehicles while enroute to medical facility.

### **949.4.1 USE OF LEG RESTRAINTS RESTRICTED**

The use of leg restraints when transporting a prisoner to or from another institution is permissible. Factors to be considered before using leg shackles include:

- (a) The nature of the charges against the prisoner;
- (b) The escape potential of the prisoner;
- (c) The risk of assault by the prisoner; and
- (d) The sentence the prisoner is currently serving or may be subject to serve.

### **949.4.2 FACE DOWN TRANSPORT RESTRICTED**

The King County Medical Examiner's study "Effects of Positional Restraints on Oxygen Saturation and Heart Rate Following Exercise", reflects that transporting prisoners in a hog-tied and/or face down position can have potentially harmful effects. Prisoners will not be transported in a hog-tied position, nor in a face down position unless absolutely necessary. Documentation of the circumstances and justification for face down transport shall be submitted to the supervisor by the end of shift.

### **949.4.3 PREGNANCY RESTRAINTS RESTRICTED**

An arrestee or inmate who the officer has reason to believe is pregnant or recovering postpartum should not be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officer or others.

## **949.5 TRANSPORTING OFFICER'S RESPONSIBILITIES**

All transporting officers have duties when transporting prisoners and will take the following actions:

- (a) Maintain supervision of prisoner. Prisoners will not be left unsupervised or unattended.
- (b) Male and female prisoners should be transported separately or separated within the transport vehicle. A divider is sufficient to maintain separation.

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### *Transporting Prisoners*

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- (c) Juvenile prisoners will be transported separately from adult prisoners.
- (d) Notify the receiving agency or facility of prisoners deemed an unusual security risk.
- (e) Summon medical treatment for sick or injured prisoners as soon as practical upon arrival at agency or facility.
- (f) Utilize due care when transporting disabled prisoners, their associated medicines or specialized equipment.

#### 949.5.1 TRANSPORTING OFFICER'S DUTIES AT SECURE FACILITY

The transporting officer will follow all known procedures at the different state correctional institutions, mental health units, county jails and Issaquah Jail. The following policy will apply to all detention facilities:

- (a) The transporting officer will at no time enter a secure area or receiving area with his/her firearm, except at the direction of a supervisor or command officer;
- (b) The restraints will only be removed on the instructions of the receiving officer;
- (c) The transporting officer will be responsible to make sure all the necessary paperwork is properly exchanged with regard to the transfer.
- (d) The transporting officer will be responsible for documenting the transportation and disposition of the prisoner; and
- (e) The transporting officer will advise the receiving officer of any known medical or security hazards involving the prisoner being transferred to their custody.

#### 949.5.2 OFFICER'S DUTIES AT A MEDICAL FACILITY

When a prisoner is transported to a medical care facility or hospital, the transporting officer is responsible for the security and control of the prisoner, to include the following.

- (a) Prisoner should remain in restraints during medical appointment, visit or treatment. Belly chains are preferred. If, instructed by medical staff to remove the restraints for treatment, only remove the restraint necessary to accomplish treatment. Consider the use of leg restraints if other restraints need removal for treatment.
- (b) Prisoner will be supervised at all times.
- (c) If the prisoner is admitted to medical facility or hospital and is being held on a gross misdemeanor or misdemeanor, the transporting officer must remain with the prisoner until released, relieved by another officer, authorized to leave by a supervisor or a medical furlough is obtained.
- (d) If the prisoner is admitted to medical facility or hospital and is being held on a felony, the transporting officer must remain with the prisoner until released from facility, relieved by another officer or authorized to leave by a supervisor.

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### **949.6 TRANSPORTING AN INJURED PRISONER**

Any prisoner who is injured prior to or during an arrest situation will not be transported to any jail or holding facility until he/she has been transported to and offered treatment at a local medical facility, except in the following situations:

- (a) The injury is not deemed to be life threatening; there is medical treatment available at the receiving facility and the facility has agreed to receive the prisoner.
- (b) An Eastside Fire and Rescue EMT or paramedic has seen the prisoner and has determined that he/she is not in need of immediate medical attention. If necessary, the Eastside Fire and Rescue may be called to provide or coordinate transportation to a medical facility.
- (c) If a prisoner refuses treatment while at a medical facility, the transporting officer will obtain a copy of the facilities "refusal form" prior to transporting the prisoner to the detention facility. This form will be initiated by the officer and given to the on-duty jailer to become part of the prisoner's record.
- (d) The officer involved in the injury will immediately notify their supervisor of the incident. As soon as possible they will submit a report to the Chief, via their chain of command, stating the details surrounding the injury. (Per Policy 300 Use of Force)

### **949.7 TRANSPORTING PRISONERS WITH SPECIAL CARE REQUIREMENTS**

Transporting a physically and/or mentally disabled prisoner frequently dictates that special care and attention be provided by transporting officers. A disabled prisoner who requires the use of a wheel chair may be transported in a police vehicle as long as the officer is satisfied that it can be done safely for both the officer and the prisoner.

#### **949.7.1 TRANSPORTING PRISONER WITH PROSTHETIC DEVICES**

Prisoners with prosthetic devices may be transported in police vehicles. Restraining prisoners wearing prosthetic devices frequently requires ingenuity and a concern for safety of both the prisoner and the officer.

- (a) A prisoner wearing a prosthetic device must be thoroughly searched, including the prosthetic device(s).
- (b) Handcuffs and/or the leg cord cuff restraint (hobble) may be used to restrain prisoners wearing prosthetic devices.
- (c) Whatever restraining device or combination thereof that is utilized should not interfere with the prisoner's ability to balance or protect him/her during transport.

#### **949.7.2 NOTIFICATION OF CORRECTIONAL FACILITY REQUIRED**

Prior to transporting a physically or mentally disabled prisoner or a prisoner wearing a prosthetic device to a custodial facility, the transporting officer should contact that facility and advise them of the prisoner's condition so that any special arrangements may be made at the facility prior to

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the prisoner's arrival. Wheelchairs or crutches may be transported in the police vehicle, but will not be placed in that portion of the vehicle used to confine the prisoner.

#### **949.8 PRISONERS WHO CAN'T BE SAFELY TRANSPORTED**

If a prisoner is so physically and/or mentally disabled that the officer feels the prisoner cannot be safely transported in a police vehicle, the officer shall contact the on-duty supervisor. The following options should be considered:

- (a) The prisoner will, if possible, be processed and released in the field if a full booking procedure is not absolutely necessary.
- (b) The prisoner may be transported to a booking or holding facility by ambulance. Any prisoner in custody for a criminal offense who is transported in an ambulance must be properly restrained and accompanied in the ambulance by an officer or followed in a patrol vehicle keeping the ambulance in view at all times.

#### **949.9 PRISONER ESCAPE DURING TRANSPORTING**

Whenever a prisoner escapes during a transport, the transporting officer will take the following actions:

- (a) Notify on-duty Supervisor of escape;
- (b) Notify Issaquah Communications Center of the prisoner escape;
- (c) Notify the agency of jurisdiction where the escape occurred;
- (d) Provide responding officers or jurisdiction with escapee information;
- (e) Prepare report regarding circumstances surrounding escape.
- (f) If responsible for additional prisoners, secure and remain with them until backup arrives.

#### **949.10 BODY ARMOR REQUIRED**

A Corrections Officer conducting or assisting with a prisoner transport shall wear a department issued body armor or body armor vest. The vest is designed to be worn outside of the uniform shirt. There are three (3) different vest sizes and employees shall select the appropriate size. The vest(s) may also be worn if a jail disturbance or riot occurs under Policy 947.

## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 POLICY

In accordance with applicable federal, state, and local law, the Issaquah Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

### 1000.2.1 APPLICANT TESTING REQUIREMENTS

Prior to appointment, all candidates for sworn positions will, at a minimum, be screened through the following methods:

- (a) A background investigation, proof of which will subsequently be submitted to the Washington State Criminal Justice Training Commission (RCW 43.101.095(2)(a)).
- (b) A medical examination, including a drug screening, performed by a licensed physician.
- (c) A psychological fitness examination conducted by a qualified professional (e.g., a licensed psychologist or psychiatrist); the qualified professional, examination and subsequent report shall meet the standards as established in WAC 139-07-030.
- (d) A polygraph examination administered by an experienced polygraph examiner who meets the standards in WAC 139-07-040.

### 1000.2.2 SECURITY OF APPLICANT FILES

All applicant files will be secured and available only to those who are authorized to participate in the selection process.

## 1000.3 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record

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- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible) (RCW 43.101.095; WAC 139-07-040)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

#### 1000.3.1 OPERATION OF A MOTOR VEHICLE

- (a) The ability to possess a valid Washington driver's license.
- (b) The ability to drive safely.
- (c) The ability to control a motor vehicle at high speeds.
- (d) The ability to operate a motor vehicle in all types of weather conditions.
- (e) The following shall be disqualifying:
  - 1. Receipt of three or more moving violations within three years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.
  - 2. Involvement as a driver in three or more chargeable (at fault) collisions within three years prior to date of application.
  - 3. Any single violation of a potential life threatening violation, such as reckless driving, speed contest, suspect of a pursuit, or driving while license suspended/revoked within five years prior to application.
  - 4. A conviction for driving under the influence of alcohol and/or drugs within five years prior to application or any two convictions for driving under the influence of alcohol and/or drugs.

#### 1000.3.2 INTEGRITY

- (a) Refusing to yield to the temptation of bribes, gratuities, payoffs, etc.

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- (b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.
- (c) Showing strong moral character and integrity in dealing with the public.
- (d) Being honest in dealing with the public.
- (e) The following shall be disqualifying:
  - 1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview or polygraph examination or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.
  - 2. Any forgery, alteration, or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

#### 1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

- (a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to prior felony conviction.
- (b) The following shall be disqualifying:
  - 1. Conviction of any criminal offense classified as a misdemeanor under Washington law within three years prior to application. All others will be carefully reviewed.
  - 2. Conviction for two or more misdemeanor offenses under Washington law as an adult.
  - 3. Conviction of any offense classified as a misdemeanor under Washington law while employed as a peace officer (including military police officers).
  - 4. Admission(s) of having committed any act amounting to a felony (including felony offenses reduced to misdemeanor offenses) under Washington law, as an adult, or while employed as a peace officer (including military police officers).
  - 5. Admission(s) of administrative conviction of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document, or theft.
  - 6. Admission(s) of any act of domestic violence as defined by law, committed as an adult.
  - 7. Admission(s) of any criminal act, whether misdemeanor or felony, committed against children including but not limited to: molesting or annoying children, child abduction, child abuse, lewd and lascivious acts with a child, or indecent exposure. Acts of consensual unlawful intercourse accomplished between two



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minors shall not be included, unless more than four years difference in age existed at the time of the acts.

8. Any history of actions resulting in civil lawsuits against the applicant or his/her employer may be disqualifying.

#### 1000.3.4 DEPENDABILITY

- (a) Having a record of submitting reports on time and not malingering on calls, etc.
- (b) A record of being motivated to perform well.
- (c) A record of dependability and follow through on assignments.
- (d) A history of taking the extra effort required for complete accuracy in all details of work.
- (e) A willingness to work the hours needed to complete a job.
- (f) The following may be disqualifying:
  1. Missing any scheduled appointment during the process without prior permission. Some consideration may be given for unavoidable emergencies or circumstances.
  2. Having been disciplined by any employer (including military) as an adult for abuse of leave, gross insubordination, dereliction of duty, or persistent failure to follow established policies and regulations.
  3. Having been involuntarily dismissed (for any reason other than lay-off) from two or more employers as an adult.
  4. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement.
  5. Having undergone personal bankruptcy more than once, having current financial obligations for which legal judgments have not been satisfied, currently having wages garnished, or any other history of financial instability.
  6. Resigning from any paid position without notice shall be disqualifying, except where the presence of a hostile work environment is alleged.
  7. Having any outstanding warrant of arrest at time of application.
  8. Previous revocation or denial of CJTC certified status or suspension of current CJTC certified status.

#### 1000.3.5 LEARNING ABILITY

- (a) The ability to comprehend and retain information.

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- (b) The ability to recall information pertaining to laws, statutes, codes, etc.
- (c) The ability to learn and to apply what is learned.
- (d) The ability to learn and apply the material, tactics and procedures that are required of a law enforcement officer.
- (e) The following shall be disqualifying:
  - 1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.
  - 2. Having been academically dismissed from any CJTC certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas, except: subsequent successful completion of another CJTC basic law enforcement academy shall rescind this requirement.

#### 1000.3.6 PERSONAL SENSITIVITY

- (a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.
- (b) Empathy.
- (c) Discretion, not enforcing the law blindly.
- (d) Effectiveness in dealing with people without arousing antagonism.
- (e) The ability to understand the motives of people and how they will react and interact.
- (f) The following shall be disqualifying:
  - 1. Having been disciplined by any employer (including the military and/or any law enforcement training facility) for acts constituting racial, ethnic or sexual harassment or discrimination.
  - 2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.
  - 3. Having been disciplined by any employer as an adult for fighting in the workplace.

#### 1000.3.7 JUDGMENT UNDER PRESSURE

- (a) The ability to apply common sense during pressure situations.
- (b) The ability to make sound decisions on the spot.
- (c) The ability to use good judgment in dealing with potentially explosive situations.
- (d) The ability to make effective, logical decisions under pressure.
- (e) The following shall be disqualifying:

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1. Admission(s) of administrative conviction or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state Civil Rights laws.
2. Any admission(s) of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

#### 1000.3.8 ILLEGAL USE OR POSSESSION OF DRUGS

- (a) The following examples of illegal drug use or possession will be considered automatic disqualifiers for public safety applicants, with no exceptions:
  1. Any adult use or possession of a drug classified as a hallucinogenic within ten years prior to application for employment. No more than 3 uses lifetime.
  2. Any adult use or possession of marijuana (after age 21) within five years prior to application for employment. Use or possession of marijuana (prior to age 21) within 3 years prior to application of employment.
  3. Any adult (After age 18) use or possession of opiates.
  4. Any other illegal adult use or possession of a drug not mentioned above (including cocaine) within five years prior to application for employment.
  5. Any illegal adult use or possession of a drug while employed in any law enforcement capacity, military police, or as a student enrolled in college-accredited courses related to the criminal justice field.
  6. Any adult ( After age 18) sales, manufacture or cultivation of a drug or illegal substance.
  7. Any illegal drug use of amphetamines, methamphetamines, heroin, barbiturates, valium or prescription medication.
  8. Failure to divulge to the Department any information about personal illegal use or possession of drugs.
  9. Any drug test of the applicant, during the course of the hiring process, where illegal drugs are detected.
- (b) The following examples of illegal drug use or possession will be considered in relationship to the overall background of that individual and may result in disqualification:
  1. Any illegal use or possession of a drug as a juvenile.
  2. Any illegal adult use or possession of a drug that does not meet the criteria of the automatic disqualifiers specified above (e.g., marijuana use longer than three years ago or cocaine use longer than five years ago).

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3. Any illegal or unauthorized use of prescription medications.
4. Illegal use of three or more different controlled substances.

#### 1000.3.9 VETERAN PREFERENCE

The Department will provide veteran preference percentages as required (RCW 41.04.010).

#### **1000.4 PROBATIONARY PERIODS**

The Administration Patrol Commander should coordinate with the Issaquah Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1002.2 POLICY

The Issaquah Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

### 1002.3 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed daily and/or weekly during established field training and at the end of the probationary period for all full-time non-sworn personnel.

Sworn personnel are on probation for 12 months after completion of Basic Academy before being eligible for certification as permanent employees. Probationary officers are evaluated daily and/or weekly during field training period and at the end of the probationary period.

### 1002.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

## *Evaluation of Employees*

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### 1002.4.1 RATINGS CRITERIA

When completing the Employee Performance Planning form, the rater will place a mark in the box that best describes the employee's performance. The definition of each rating category is as follows:

**Meets or Exceeds Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position. Performance that is better than expected of a fully competent employee or is superior to what is expected, would also fall in this area and these performances will be properly documented in the comments section of the form to properly recognize the employees superior efforts.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee. Performance that is inferior to the standards required of the position is also noted in this category. Inadequate or undesirable performance that cannot be tolerated should be properly documented in the comment section of the form. Performances in this category shall include performance goals for direction on how to improve.

Space for written comments is provided throughout the evaluation in the rater comments section. These sections allow the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory shall be substantiated in the rater comments section.

### 1002.4.2 PERFORMANCE PLANNING FORM

The City uses a standard annual Performance Planning form authorized by the City's Human Resources Department. The form consists of three sections to enhance communications between the supervisor and employee, identify areas to expand an employee's skills and identify where growth has been observed and accomplished. The sections are as follows:

- (a) **Section A** - completed by the supervisor to address Citywide standards, Department standards and job specific skills/knowledge.
- (b) **Section B** - completed by the employee consisting of the employee's self-evaluation, action plan for the next review period (finalized with the supervisor), and career goals.
- (c) **Section C** - completed by the employee consisting of employee's feedback for the supervisor.

### 1002.5 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training

## *Evaluation of Employees*

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opportunities. The supervisor and employee will sign and date the evaluation. By signing the evaluation, the employee is acknowledging that they have reviewed and discussed the evaluation with the rating supervisor.

### **1002.6 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Chief of Police via the Chain of Command. A supervisors of the rater in the chain of command shall review and sign the evaluation before sending it to the next level. The rater's supervisor shall remember to evaluate the supervisor on the quality of staff evaluations given.

### **1002.7 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the City's Human Resource Department for the tenure of the employee's employment. A copy will be given to the employee and a copy will be kept in the employee's personnel file in the Office of the Chief of Police.

### **1002.8 REMEDIAL TRAINING**

When an employee fails to perform a job function at the level prescribed in this policy manual, remedial training may be necessary to ensure that employee has the knowledge and skills necessary to perform at an acceptable level.

Whenever an employee receives an evaluation rating of needs improvement or unacceptable, receives a Special Evaluation to document a performance deficiency or is receiving discipline for a performance deficiency, the supervisor should consider whether remedial training would be appropriate to assist the employee in improving their performance.

- (a) If remedial training is deemed to be appropriate, the supervisor shall document the following items in a Personnel Improvement Plan (PIP):
  - 1. The remedial training being provided.
  - 2. The timeline for providing the training.
  - 3. The timeline for evaluating the employee's subsequent performance.
  - 4. The consequences if the employee fails to perform.
  - 5. The desired outcome if the remediation is successful.
- (b) Prior to implementing the remedial training, the supervisor shall present the PIP to the employee who shall then be provided with ten days to respond with any objections or other comments.
- (c) If the employee fails to provide a timely written response or expresses no desire to respond, the employee's date and signature shall be affixed to the PIP as agreement to its terms.
- (d) If the employee provides a timely written response, any objections shall be adjudicated in accordance with the Department's grievance procedure.

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## *Evaluation of Employees*

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The remedial training process is for use with all employees. It is not limited to use with probationary employees.



# Promotional and Transfer Policy

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Issaquah Police Department.

## 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Operations Team member
- (b) Detective
- (c) Motor Officer
- (d) School Resource Officer (SRO)
- (e) Field Training Officer
- (f) Community Resource Officer (CRO)
- g. Administrative Sergeant
- h. Detective Corporal

### 1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Two years experience.
- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (e) Complete any training required by CJTC or law.

## 1004.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate within the previous year, will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the appropriate Division Commander for whom the candidate will work. The Commander will schedule interviews with each candidate.

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### *Promotional and Transfer Policy*

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- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

#### **1004.4 PROMOTIONAL REQUIREMENTS**

Requirements and information regarding any promotional process are available at the Issaquah Department of Human Resources.

#### **1004.5 POLICY**

The Issaquah Police Department determines assignments and promotions in a nondiscriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

# Suggestion Management System

## 1005.1 PURPOSE AND SCOPE

To establish an effective mechanism through which department members may submit suggestions for improvement of the organization.

It is the responsibility of all employees to make suggestions for change or improvement to established department policy, practice or systems when they see a need.

The Suggestion Management System is not intended to address immediate safety concerns. Any immediate safety concerns need to be brought to the attending of a supervisor as soon as possible.

### 1005.1.1 SUGGESTION MANAGEMENT FORM

Department members are encouraged to use the Suggestion Management Form whenever he/she have an idea or suggestion which he/she would like considered for implementation. The Suggestion Management System Form will be forwarded through the employee's chain-of-command to the Chief of Police.

## 1005.2 EMPLOYEES RESPONSIBILITY

Any employee who feels he/she has an idea worthy of further consideration should complete the Suggestion Management Form. Whenever possible, the narrative section should include financial considerations, department benefits and any other pertinent information which can be of use in evaluating the idea.

The completed form should then be given to the employee's immediate supervisor.

## 1005.3 SUPERVISOR RESPONSIBILITY

The immediate supervisor will review the suggestion, make comments, and forward the form to the next supervisor in the chain-of-command within four working days.

Each subsequent supervisor in the chain-of-command will review the suggestion, make comments, and forward the form within four working days.

Once all supervisory and command level supervisors have reviewed and commented on the suggestion, the form should be forwarded to the Chief of Police within four working days.

### 1005.3.1 COORDINATION OF TIMELINES

It is understood that due to time off, vacations, etc, the supervisor may not be able to forward the form with comments within the 4-day period. Therefore, employees should coordinate submitting the form with their supervisor. If the supervisor is not available for an extended period of time, the form can be forwarded to the next supervisor in the chain of command.

## *Suggestion Management System*

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### 1005.3.2 COMMUNICATE RECIEPT OF FORM

The supervisor who receives a Suggestion Management form will make other supervisors aware of the type or topic of the suggestion; this is intended to stop duplicate submittals and to encourage other comments.

### **1005.4 CHIEF'S RESPONSIBILITY**

Once the Chief of Police has received and reviewed the form with supervisory comments, the Chief of Police shall take one or more of the following actions:

- (a) Submit the idea to the Department Staff for consideration;
- (b) Submit the idea to an appropriate standing or ad hoc committee for further study;
- (c) Send to an appropriate department employee for further research;
- (d) Approve for implementation;
- (e) Disapprove the suggestion; or
- (f) Take any other action required for evaluation purposes.

### 1005.4.1 SUGGESTION LOG

A log of all employee suggestions will be maintained by the Chief of Police or his/her designee and available for review upon request of an employee.

### 1005.4.2 EMPLOYEE FEEDBACK REQUIRED

Once the Chief of Police has taken action on the suggestion; the completed form with supervisory and command level comments will be returned to the originating employee and supervisor for their information.

If the originating employee has not received a response to his/her suggestion within 45 days of turning in the Suggestion Management Form, he/she may inquire as to the suggestion status to the Chief of Police.

# Grievance Procedure

## 1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

### 1006.1.1 GRIEVANCE DEFINED

**Grievance** - Is any dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding).
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in the Discriminatory Harassment Policy; and personnel complaints related to consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

## 1006.2 PROCEDURE

If an employee believes that he/she has a grievance as defined above, then that employee should observe the following procedure:

- (a) Should attempt to resolve the issue through informal discussion with your immediate supervisor.
- (b) Shall follow the grievance procedure as identified in the affected employee's bargaining agreement.
- (c) For exempt employees, shall follow the grievance procedure as identified in the City of Issaquah Personnel Rules and Regulations manual.

## 1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee's bargaining group and in accordance with the bargaining unit agreement.

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### *Grievance Procedure*

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#### **1006.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into the Grievance file maintained by the Executive Assistant.

#### **1006.5 GRIEVANCE AUDITS**

The Administrative Commander shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Administrative Commander shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Administrative Commander should promptly notify the Chief of Police.

# Anti-Retaliation

## 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement or memorandum of understanding.

## 1008.2 POLICY

The Issaquah Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1008.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

## *Anti-Retaliation*

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### **1008.4 COMPLAINTS OF RETALIATION**

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

### **1008.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.



## *Anti-Retaliation*

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### **1008.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1008.7 WHISTLE-BLOWING**

Washington law protects employees who make good faith reports of improper government actions. Improper government actions include violations of Washington law, abuse of authority, gross waste of funds, and substantial and specific danger to the public health or safety (RCW 42.40.010 et seq.; RCW 49.60.210; RCW 42.41.010 et seq.).

Employees who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Administrative Commander for investigation pursuant to the Personnel Complaints Policy.

#### **1008.7.1 DISPLAY OF REPORTING PROCEDURES**

The Department shall display the City policy to employees regarding their rights and the procedures for reporting information of an alleged improper government action. A copy of the policy shall be made available to employees upon request (RCW 42.41.030).

### **1008.8 RECORDS RETENTION AND RELEASE**

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1008.9 TRAINING**

The policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

# Reporting of Employee Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Washington and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1010.3 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

### 1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

#### 1012.2.1 BARGINING UNIT AGREEMENT

Members may have a Drug & Alcohol Testing provision of their Bargaining Unit Agreement. If a conflict arises between this policy and provisions of these agreements, the provisions of the Bargaining Unit Agreement shall take precedence over this policy.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify their Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action (RCW 69.51A.060).

#### 1012.3.2 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the expressed written consent of the employee involved or pursuant to lawful process.

### *Drug- and Alcohol-Free Workplace*

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#### **1012.4 MEMBER RESPONSIBILITIES**

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1012.7 REQUESTING SCREENING TESTS**

A supervisor may request an employee to submit to a screening test when the supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

##### **1012.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

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- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### **1012.7.2 SCREENING TEST REFUSAL**

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

### **1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1012.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable labor agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) or the Washington Paid Family and Medical Leave program (PFML) (29 USC § 2601 et seq.; RCW 50.04.010 et seq.).

### 1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

#### 1014.2.1 NOTIFICATION

Employees shall notify the Patrol Supervisor directly as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than four hours before the start of their scheduled shift. For purposes of notification for being sick, the member must speak directly to a patrol supervisor and not relay the information through a work partner or other member.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30 days notice of the intent to take leave.

#### 1014.2.2 SUPERVISOR DOCUMENTATION

When informed of an employee's need for sick leave, the Supervisor shall:

- a. Email the member's supervisor and the Executive Assistant with all the pertinent information.
- b. Update the work schedule.
- c. Make the necessary staffing adjustments as needed.

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### **1014.3 USE OF SICK LEAVE**

Sick leave is intended to be used for qualified absences (RCW 49.46.210). See the City of Issaquah's Sick Leave Policy 7.3 for further detail. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### **1014.3.1 NOTIFICATION**

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (WAC 296-128-650).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 10 days' notice of the impending absence (WAC 296-128-650).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### **1014.4 EXTENDED ABSENCE**

Members absent from duty for more than three consecutive days may be required to furnish verification supporting the need to be absent and/or the ability to return to work (RCW 49.46.210; WAC 296-128-660). Members on an extended absence shall, if possible, contact their supervisors at specified intervals to provide an update on their absence and expected date of return.

#### **1014.4.1 SUPERVISOR SCHEDULING ADJUSTMENTS**

The Shift Supervisor, who receives notification of an employee's intended absence, has the responsibility to determine the need for and coordinate any shift adjustments or overtime necessary to proper shift coverage the shift during the reported absence.

### **1014.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) When appropriate, counseling members regarding inappropriate use of sick leave.
- (d) Referring eligible members to an available employee assistance program when appropriate.

#### **1014.6 PERSONNEL AGENCY**

The Human Resources Director shall ensure:

- (a) Written or electronic notice is provided to each employee regarding applicable paid sick leave provisions as required by WAC 296-128-760.
- (b) This Sick Leave Policy is readily available to all employees.
- (c) Employee records are retained and preserved regarding paid sick leave information and data as required by WAC 296-128-010.

#### **1014.7 RETALIATION**

No employee shall be retaliated against for using qualifying sick leave (WAC 296-128-770).



# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Issaquah Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The Issaquah Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes (WAC 296-823.100 et seq.):

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  - 1. Bloodborne pathogen mandates including but not limited to (WAC 296-823-110 et seq.):
    - (a) The identification of positions with the potential for exposure.

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- (b) Measures to eliminate or minimize occupational exposure and how members will be informed of those measures.
  - (c) A plan for the distribution and use of personal protective equipment (PPE) related to communicable diseases.
  - (d) Directions for appropriate labeling of contaminated items.
  - (e) Rules regarding worksite maintenance.
  - (f) Rules regarding waste.
  - (g) Confidentiality requirements and medical protocols.
  - (h) Maintenance of training and medical records.
2. The Washington Industrial Safety and Health Act (RCW 49.17.010 et seq.; WAC 296-800-110 et seq.).
  3. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

The ECO should also act as the liaison with the Washington Division of Occupational Safety and Health (DOSH) and may request voluntary compliance inspections. The ECO should annually review and update the exposure control plan and review implementation of the plan (WAC 296-823-11010).

### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

#### **1016.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (WAC 296-823-130).

#### 1016.4.3 DECONTAMINATION OF PPE

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual §1015.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment. If this situation resulted in a contaminated non-intact skin event, Policy Manual §1015 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste. (WAC 296-823-15030).

#### 1016.4.4 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense (WAC 296-823-15030).

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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### 1016.4.5 DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

### 1016.4.6 DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

### 1016.4.7 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through (WAC 296-823-15030).

## **1016.5 POST EXPOSURE**

### 1016.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (WAC 296-823-16005):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident

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- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### 1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (WAC 296-823-16005).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (WAC 296-823-16005).

### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO (WAC 296-823-16010). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) In the event that consent cannot be obtained, by contacting the local health authority who may pursue testing of the source individual for HIV or other communicable diseases (RCW 70.24.340; WAC 246-100-205).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

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#### **1016.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1016.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training shall include the mandates provided in WAC 296-823-12005 et seq. and:

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Shall provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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## Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Issaquah Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1018.2 POLICY

The Issaquah Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (RCW 70.160.030).

### 1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Issaquah Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

### 1018.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of a main entrance, exit or operable window of any building (RCW 70.160.075).

#### 1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage prohibiting smoking is conspicuously posted at each entrance to the department facilities (RCW 70.160.050).

# Personnel Complaints

## 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Issaquah Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

Personnel Complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Administrative Commander depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Administrative Commander, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

## 1020.2 POLICY

The Issaquah Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.



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#### 1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Department personnel should be readily available to receive complaints. All complaining parties should be immediately directed to the Shift Supervisor at a level directly above the level of the employee the complaint pertains too.

#### 1020.2.2 SOURCE OF COMPLAINTS

- (a) A department employee becoming personally aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

#### 1020.2.3 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Shift Supervisor determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with instructions to recontact the department when the complainant is not intoxicated.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

#### 1020.2.4 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document informal complaints and forward that information to the appropriate Commander for Informal Complaint log entry.

When a complaint is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be

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dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party for more serious complaints. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement.

#### **1020.3 PERSONNEL COMPLAINTS**

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### **1020.4 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

#### **1020.5 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

Whether conducted by a supervisor or an assigned member by the Administrative Services Commander, the following procedures shall be followed with regard to the accused employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated.
- (b) No more than two interviewers may ask questions of an accused employee.
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation.
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated.
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

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- (f) The interviewer may record all interviews of employees and witnesses but only with consent of all parties present. Consent should be documented in some manner prior to proceeding. If the employee interviewed has been previously recorded, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights. In order to avoid confusion on the part of all parties involved, administrative interviews may begin with a Garrity advisement prior to beginning an administrative interview where there are allegations of criminal conduct. The Garrity admonishment may be given whether or not the employee was advised of these rights during any separate criminal investigation.
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

#### 1020.5.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Patrol Commander or the Chief of Police, who will initiate appropriate action.

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- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1020.5.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary Of Allegations** - List the allegations separately (including applicable policy sections) with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

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**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

### 1020.5.3 ADMINISTRATIVE INVESTIGATION COVER LETTER

All Administrative Investigations when completed shall contain a cover letter. The cover letter will contain the elements of the Introduction, Synopsis and Conclusion as identified in Policy 1020.6.2.

### 1020.5.4 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties; or, if the employee is assigned to or being considered for a special assignment with a potential for bribes.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved

### 1020.5.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence shall be administratively coerced from an employee without issuance of Garrity advisement. Once the Garrity advisement is issued, no information or evidence may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on

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an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

#### 1020.5.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1020.6 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1020.6.1 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal trial.

Upon completion, the report and cover letter should be forwarded through the chain of command to the commanding officer of the involved employee(s).

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed.

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Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

#### **1020.7 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

##### **1020.7.1 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files (Policy Manual § 1026). The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq.; RCW 70.02).

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All formal personnel complaints shall be maintained in accordance with Washington State Retention Guidelines.

Sustained complaints shall be maintained in the department's internal investigation files. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Administrative Commander in the Internal Investigations files apart from the employee's personnel file.

## Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213 and RCW 46.61.687(6).

### 1022.2 POLICY

It is the policy of the Issaquah Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

#### 1022.2.1 TRANSPORTING CHILDREN

A child restraint system shall be used for all children of an age, height, or weight for which such restraints are required by law (RCW 46.61.687).

Rear seat passengers in a cage equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### 1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (RCW 46.61.688; RCW 46.61.687).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is



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not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints (WAC 204-41-030).

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1022.5 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1022.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1022.7 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Issaquah Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The Patrol Commander or designee shall ensure that body armor is issued to all officers, transport officers, and the Jail Manager when they begin service at the Issaquah Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Patrol Commander or designee shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body

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armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

#### **1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR**

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### **1024.4 FIRARMS OFFICER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Records

### 1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Washington.

### 1026.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment..
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

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#### **1026.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

#### **1026.5 TRAINING FILE**

An individual training file shall be maintained by the Division Commander for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Division Commander or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Division Commander or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1026.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Chief's Executive Assistant in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Administrative Services Commander.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

#### **1026.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1026.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1026.8.1 RELEASE OF PERSONNEL INFORMATION**

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

##### **1026.8.2 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Records Supervisor and the Chief's Executive Assistant or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **1026.8.3 NOTICE TO MEMBER**

Upon receipt of a request for information located exclusively in a member's personnel record, the Public Records Officer is responsible for providing notice to the member, the union representing the member, and to the requestor, that includes the following information (RCW 42.56.250):

- (a) The date of the request

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- (b) The nature of the requested record relating to the member
- (c) That information in the record will be released if not exempt from disclosure at least 10 days from the date the notice is made
- (d) That the member may seek to enjoin release of the records under RCW 42.56.540 (court protection of public records).

#### **1026.9 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

#### **1026.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records annually during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (RCW 49.12.250).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

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- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.



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# Request for Change of Assignment

## **1028.1 PURPOSE AND SCOPE**

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

## **1028.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment are to complete a memo requesting change of assignment. The memo should then be forwarded through the chain of command to their Division Commander.

### **1028.2.1 PURPOSE OF MEMO**

The purpose of the memo is for the employee to articulate the specific reasons for the requested change of assignment.

### **1028.3 SUPERVISOR'S COMMENTARY**

The officer's immediate supervisor shall make appropriate comments on the memo relating to the request for change form before forwarding it to the Division Commander of the employee involved. If the immediate supervisor fails to include comment, the Division Commander will initial the form and return it to the supervisor without consideration until comments are included.

The supervisor should make comments and forward the request for change to the Division Commander within 10 days of receipt from the employee.

# Commendations and Awards

## 1030.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Issaquah Police Department and individuals from the community.

## 1030.2 POLICY

It is the policy of the Issaquah Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

## 1030.3 AWARD NOMINATION

Commendations for members of the Issaquah Police Department or for individuals from the community may be initiated by any department member. Department members shall complete the Issaquah Police Department Commendation Nomination Form and submit it to their supervisor via email. The supervisor shall review the nomination, make any comments and forward the nomination via email to the awards committee. If the nomination is for the department members supervisor, the nomination form shall be submitted to the division commander.

### 1030.3.1 AWARDS

- **Medal of Valor:** Shall be awarded to members of the Issaquah Police Department who distinguish themselves by conspicuous bravery and/or heroism where hostile action or extreme personal danger is involved. This award shall include a medal which is appropriately inscribed, a distinctive pin, a letter from the Chief of Police and a certificate.
- **Award of Meritorious Conduct:** Shall be awarded to members of the Issaquah Police Department who distinguish themselves with superior handling of a difficult situation, conspicuous bravery, outstanding performance or any action or performance that is above and beyond the typical duties for an employee. This award shall include a distinctive pin, a letter from the Chief of Police and a certificate.
- **Lifesaving Award:** Shall be awarded to members of the Issaquah Police Department who perform an act which saves the life of another human being with or without the presence of danger. This award shall include a letter from the Chief of Police and a certificate.
- **Citizen Commendation:** Shall be awarded to any person who is not a member of the department but who has materially aided the department or its officers in some way. This includes assistance in the solution of crime or the apprehension of criminals, aiding an officer in the field in a critical situation, and cooperation with or assistance to the department as a whole in any aspect of the department's administration or operations. This award shall include a letter from the Chief of Police and a certificate.

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### **1030.4 DETERMINATION OF AWARDS**

All nominations received will be reviewed by the awards committee.

The awards committee chairperson will screen all nominations as they are received to determine if they should be submitted to any external award processes. If the nomination qualifies for an external award process, the committee shall meet and consider the nomination. If it is determined that the nomination qualifies for an external award, the process for the external award shall be completed by the awards committee and submitted.

The awards committee shall meet and examine the circumstances of the recommendation and collect all facts relevant to the nomination.

Upon completion of the fact finding process, the awards committee shall consider the case and conduct a vote on the recommendation. A majority vote from the awards committee shall be sufficient to determine the committee's decision.

The awards committee may make one of the following findings:

- ◦     The recommendation meets the standards for the award recommended, and the award is approved, or
- ◦     The recommendation justifies recognition, but it has been determined the presentation should be for an award other than that specified in the initial recommendation, or
- ◦     The current facts do not justify an award at this time

Following the committee's decision, a written recommendation with the findings shall be provided to the Chief of Police.

If any member of the awards committee is either the nominating department member or the nominated member, they shall not participate in the review and selection process for that nomination.

### **1030.5 AWARDS COMMITTEE**

The awards committee shall consist of an odd number of department members with a minimum of five and a maximum of nine. To make a decision, the committee shall have a minimum of five members present. The awards committee shall select a committee chairperson.

The awards committee shall have a representative of each the following groups; corrections, dispatch, patrol, records and administrative services. The awards committee shall have one supervisor and a minimum of two patrol officers. Department members shall participate in the awards committee on a voluntary basis.

### **1030.6 ISSUANCE OF AWARDS**

- All award recipients shall receive their awards during a public meeting, ceremony or event deemed appropriate by the Chief of Police.

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- The presentation of department awards shall be made whenever possible by the Chief of Police.
- All personnel attending such ceremonies should be professionally attired in attire in recognition of the event.

## **Fitness for Duty**

### **1032.1 PURPOSE AND SCOPE**

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

### **1032.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their job position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1032.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to address the situation.
- (b) Whenever feasible, the supervisor should make a preliminary determination of the level of inability of the employee to perform the essential duties required of the job.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to obtain sufficient information regarding the nature of the concern to enable the Department to assess options and react responsibly to assure the safety of the employee, other members of the Department and the public, while complying with the employee's legal rights.
- (d) In conjunction with the Shift Sergeant or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

## *Fitness for Duty*

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### **1032.4 RELIEF FROM DUTY**

Any employee suffering from a work or non-work related condition which warrants a temporary relief from duty may be entitled to be placed on family medical leave under state and/or federal law. Consult with Human Resources to assure proper notification and compliance with family medical leave rights. Employees who are relieved from duty for medical reasons may be eligible for workers compensation payments or may be required to use sick leave or other paid time off consistent with applicable policies.

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

### **1032.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining health care provider will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. The scope of the requested fitness for duty report shall be confined to the physical or psychological condition that prompted the need for the examination. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) In the event an employee is required to submit to a "fitness for duty" examination as a condition of returning from medical leave required under the Family Medical Leave Act (FMLA), contact Human Resources for direction regarding how to proceed.

### *Fitness for Duty*

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- (g) Once an employee has been deemed fit for duty by the examining health care provider, the employee will be notified to resume his/her duties.

#### **1032.6 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period, or
- 30 hours in any 2 day (48 hour) period, or
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

#### **1032.7 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the bargaining agreements between the individual bargaining units and the employees. In the absence of such an agreement all City employees shall conform to the City Employees Rules and Regulations.

#### 1034.1.1 MEAL PERIODS

Sworn employees, corrections officers and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from a supervisor and notify the Communications Center prior to taking a meal period. Uniformed patrol and traffic officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1034.1.2 15 MINUTE BREAKS

Unless stated otherwise in a bargaining agreement, each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks unless otherwise authorized by their supervisor. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall notify the Communication Center of their specific location and only while able to monitor their radio.



## Pregnancy Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to reassign employees who are pregnant, upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

The Department will provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 1035.2 POLICY

An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

#### 1035.2.1 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City Personnel Rules and Regulations regarding family and medical care leave.

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### *Pregnancy Policy*

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#### **1035.4 PRIVATE LOCATION**

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be sanitary, shielded from view, and free from intrusion from co-workers and the public (29 USC § 207 and RCW 43.70.640).

Employees occupying such private areas shall either secure the door or otherwise make it clear that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

#### **1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

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## Payroll Record Procedures

### 1036.1 PURPOSE AND SCOPE

Payroll records are electronically submitted to Administration on a bi-weekly basis for the payment of wages.

#### 1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages. Completed time cards shall be electronically submitted to a supervisor for approval prior to submission to Administration.

#### 1036.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on the 10th and the 25th of each month, with certain exceptions such as holidays or weekends. Time cards shall be completed and electronically submitted not later than 11 a.m. on the 15th and last day of the month, unless specified otherwise.

# Overtime Compensation Requests

## 1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the bargaining unit agreement or by the allowance of accrual of compensatory time off in accordance with the agreement. Exempt employees adhere to the direction of the City of Issaquah Personnel Rules and Regulations. In order to qualify for either, the employee must have supervisor approval to work overtime prior to or at the time of work.

### 1038.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment pursuant to their individual bargaining agreement.

## 1038.2 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status on their electronic timecard with specific comments in the remarks section. In some cases, the Bargaining Unit Agreement provides that a minimum number of hours will be paid, (e.g., four hours for Court, three hours for outside overtime). The employee will enter the actual time worked on the timecard, unless a minimum is required then the minimum shall be listed and an explanation posted in the remarks section of the timecard.

### 1038.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, employees will follow the specific language of their Bargaining Unit Agreement, absent an agreement time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1 hour

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### *Overtime Compensation Requests*

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#### 1038.2.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Shift Supervisor or other approving supervisor may require each employee to include the reason for the variation in the remarks section of their electronic timecard.

# Occupational Disease and Work-Related Injury Reporting

## 1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Department of Human Resources to ensure that proper medical attention is received, and that the circumstances of the incident are properly documented.

### 1041.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease or infection while acting in the course of employment (RCW 51.08.013; RCW 51.08.100; RCW 51.08.140; RCW 51.08.142).

## 1041.2 POLICY

The Issaquah Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (RCW 51.04.062 et seq.).

### 1041.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work-related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Injured employees shall be submit an Informational Report to their immediate supervisor. (WAC 296-15-320(2)).

### 1041.2.2 ACCIDENT DEFINED

**Accident** - Is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

### 1041.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Departmental policies and directives relating to the duty to periodically

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### *Occupational Disease and Work-Related Injury Reporting*

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call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to their immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

All employees are required to fully cooperate with injury investigations.

#### **1041.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate report as outlined under Policy Manual § 1042.2. Copies of the report are submitted to Risk Manager for the necessary follow up with the employee for additional filing requirements of (WAC 296-15-330(2)).

For work-related accidents, injuries, and illnesses not requiring professional medical care, an Informational Report of Injury shall be completed. All copies of the completed report shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury or illness is reported initially on the Informational Report and the employee subsequently requires professional medical care, the Risk Manager will assure all the appropriate forms are completed. The injured employee shall also sign the form in the appropriate location.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

#### **1041.2.5 COMMANDER RESPONSIBILITY**

The Division Commander receiving a report of a work-related accident, injury or illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

#### **1041.2.6 CHIEF OF POLICE RESPONSIBILITY**

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see the Personnel Files Policy).

### **1041.3 INJURY AND ILLNESS NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on a Informational Report. This report shall be completed and signed by a supervisor.

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### *Occupational Disease and Work-Related Injury Reporting*

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This report shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this report, the employee will not preclude his/her ability to seek medical attention later.

#### **1041.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

##### **1041.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

##### **1041.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.



# Personal Appearance Standards

## 1043.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance in a manner that projects a professional image appropriate for this department and for their assignment.

## 1043.2 GROOMING STANDARDS

Unless otherwise stated, and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 1043.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

### 1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed no wider than one inch and neat.

### 1043.2.4 FACIAL HAIR

Personnel are permitted to wear full goatees or full beards which shall be groomed and professional in appearance. This excludes any unnatural coloring of facial hair, facial hair engraving, or radical styles. Facial hair is limited to 1/2 inch in length (natural length), consistently running below the bottom of the jaw line, and must be off the neck. The facial hair must not interfere with the wearing of any necessary police equipment. Hair which interferes, causes an improper seal of protective equipment, or is unprofessional in appearance as determined by a supervisor must be removed immediately. Officers shall have a minimum of three days worth of growth to wear on duty. Sworn personnel working undercover assignments or specialized assignments shall be exempt from these restrictions at the discretion of the chief of police. All personnel shall be clean shaven when wearing their class A uniforms.

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### *Personal Appearance Standards*

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#### **1043.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

#### **1043.2.6 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

#### **1043.3 TATTOOS**

All employees while on duty or representing the Department in an official capacity on-duty, who regularly interact with the public as part of their daily assignment, to include attending court appearances, training and public meetings, are prohibited from displaying any intentional scarring, body art, or tattoo(s) on the head, face, neck, scalp, hands or knuckles.

Tattoo(s) or body art that are permitted to be visible under this policy may not be of a nature that will bring discredit to the Department. This includes, but not limited, those which advocate or symbolize sex, gender, racial, religious, ethnic or national origin discrimination; advocating or symbolizing gang, supremacist, extremist and criminal group affiliation; advocate or symbolize drug and alcohol use; and/or anything that is sexually suggestive, explicit, profane or obscene language.

The Chief of Police has the authority to determine what is offensive and/or permitted. The Chief of Police reserves the right to order employees to cover their tattoo(s)/body art, intentional scarring, if a complaint about their appearance is received from a resident/citizen.

Waivers may be requested for pre-existing tattoo(s)/body art/brands or special circumstances, such as a single tattoo band or a ring finger, in writing, from the Chief of Police.

Employees are permitted to cover tattoos while on duty through use of uniform, appropriate apparel for assignment, cosmetics, bandage or approved device that does not detract from the employee's professional appearance.

#### **1043.4 BODY PIERCING OR ALTERATION**

With the exception of pierced ears, body piercing of the face, head, and mouth detracts from a professional appearance and is not authorized for wear by any personnel when on duty

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or representing the Department in any official capacity. Any other body piercing, which is not concealed by the authorized uniform or plainclothes, is prohibited for wear by any personnel when on duty or representing the Department in any official capacity.

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited except with prior authorization of the Chief of Police. Such body alteration includes, but is not limited to:

- a. Tongue splitting or piercing.
- b. Guaging, plugs or stretched out holes in ears.
- c. The complete or transdermal implantation of any material other than hair replacement.
- d. Abnormal shaping of the ears, eyes, nose or teeth.
- e. Eyebrow or nose piercing
- f. Branding or scarification
- g. Dental ornamentation. The use of gold, platinum, silver, or other caps for the purposes of ornamentation are prohibited. Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, jewels, initials, etc.

# Uniform Regulations

## 1045.1 PURPOSE AND SCOPE

The uniform policy of the Issaquah Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Department Owned and Personal Property
- Body Armor
- Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Issaquah Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1045.1.1 UNIFORMS ARE DEPARTMENT ISSUED

All uniforms for sworn officers and jail staff are issued by the Department and remain department owned. The employee is responsible for the care and proper upkeep of the equipment while in their care.

### 1045.1.2 UNIFORM COMMITTEE

The Police Chief or designee; selects a uniform committee made up of a Commander, a Sergeant, and two patrol officers. The committee's function is to evaluate and recommend uniform or equipment changes that are suggested by other personnel.

The Chief has final authority on any uniform or equipment decision. He will consider the Uniform Committee's recommendations. Not all uniform and equipment decisions will go before the Committee.

## 1045.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

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- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform regulations.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants
- (j) Mirrored sunglasses will not be worn with any Department uniform. All eyewear must be of conservative style and dark colored such as black, dark brown and dark blue. Officers should remove sunglasses when contacting the public.
- (k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his/her designee.
  - 1. Wrist watch.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet.

#### **1045.2.1 DEPARTMENT ISSUED IDENTIFICATION**

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

#### **1045.3 DRESS UNIFORM AND OTHER CLASSES**

Dress Uniform is issued to Command staff and may be worn on special occasions such as funerals, graduations, official ceremonies or as directed. The dress uniform includes:

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- (a) A navy blue blazer or tunic jacket.
- (b) A long sleeve white shirt with tie.
- (c) Navy blue dress uniform trousers.
- (d) Black low quarter shoes.
- (e) Dress hat (optional) with hat badge.

Sergeants may wear the tunic jacket with the other dress uniform components.

#### 1045.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue wool or wool/dacron uniform with:

- (a) Wool/dacron pants.
- (b) Wool long sleeve shirt with tie.
- (c) Black shoes or boots capable of holding a polished shine.
- (d) Boots with pointed toes are not permitted.

#### 1045.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of wash and wear garments and equipment similar in appearance as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes/boots for the Class B uniform may be as described in the Class A uniform.
- (e) Shoes or boots with pointed toes are not permitted.

#### 1045.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel warmer, water resistant clothing during the rainy months or special duty. The uniform jumpsuit is the authorized Class C uniform.

Optional black turtle neck and/or department issued ball are authorized as part of the Class B and C uniform. The Ball Cap must be adorned with the department badge or patch.

#### 1045.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Special operations Team, refer Policy 408.4; Bicycle Patrol, refer Policy 454.5; Motor Officers, refer Policy 501.5 and other specialized assignments.

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#### 1045.3.5 INCLIMATE WEATHER GEAR

The Department issues the authorized uniform jumpsuit and jacket for foul weather. A black turtle neck and ball cap are authorized for inclimate weather.

An optional stocking cap is authorized during cold weather. The department does not provide the stocking cap hat.

- (a) The stocking cap can be worn only when the weather is cold.
- (b) The stocking cap does not take the place of the baseball cap when it is not cold.
- (c) The stocking cap must be black in color, tight fitting with no logos or tassels.

#### 1045.3.6 PATROL DUTY BELT EQUIPMENT

All sworn officers assigned to a uniformed duty requiring the use of a duty belt such as patrol duty, traffic duty or any uniform duty as assigned are required to wear the patrol duty belt. The patrol duty belt and required equipment worn on the belt are purchased and issued by the department. In addition to required equipment, there is authorized optional equipment that can be purchased at the employees expense and worn on the duty belt.

The authorized patrol duty belt equipment is as follows:

##### **Required equipment:**

- (a) Department approved firearm.
- (b) Black Level Three holster for firearm: example - Blackhawk Serpa Duty Holster or Safariland leather holster.
- (c) Two sidearm magazines and pouch.
- (d) Taser and Holster.
- (e) Handcuff(s) in a single or double handcuff case.
- (f) ASP baton and case.
- (g) Pepper spray and case (large or small).
- (h) Radio Holster with radio.

##### **Optional equipment:**

- (a) Black flashlight and case.
- (b) One black/silver 20 round rifle magazine in a black pouch/holder.
- (c) Flashlight ring.
- (d) Black key holder.
- (e) Black case containing multitool/knife.

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During training or an on-going emergency other approved equipment may be worn but such equipment must receive approval prior to the events. An example: Multi-magazine holders that attach to the duty belt and the leg.

No other items may be worn on duty without the approval of the Chief of Police.

#### **1045.3.7 EXTERNAL VEST COVERS**

A department approved External Vest Cover may be worn with a Class C and Class B uniform with the following conditions:

- a. Maximum of four pouches will be worn with the External Vest Cover
- b. Portable radio and handgun worn on the gun belt.
- c. Optional - Tasers worn in a department approved holster on the External Vest Cover
- d. The External Vest Covers shall not be worn to court unless authorized by a Patrol Supervisor.

#### **1045.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes (1 per three years of service) may be worn on long sleeved shirts and stars (1 per 5 years of service) may be worn on dress jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only. Star are worn on both sleeves. Officer with previous full time sworn law enforcement experience may wear service stripes or stars that reflect those years of service.
- (c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SOT, FTO, etc.) may be worn as designated by the Chief of Police.



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- (f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### **1045.4.1 MOURNING BADGE**

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

#### **1045.4.2 WEARING AWARDS AND DECORATIONS**

Department members may display one award pin for the Issaquah Police Department Medal of Valor or the Washington State Law Enforcement Medal of Honor on his/her Class A uniform shirt, position specific equivalent or as approved by the Chief of Police.

Pins shall be worn as follows:

- (a) Pins shall be worn on the right breast, one-quarter inch above the nameplate.
- (b) Aligned so the pin is centered over the pocket
- (c) Pins are not permitted for regular duty uniforms

#### **1045.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or pants that are moderate in style.
- (c) All personnel in civilian clothing authorized to carry a firearm, must wear a coat, sweater, light jacket or vest to cover their firearm when in public.

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### *Uniform Regulations*

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- (d) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (e) All Communication Center staff may wear moderate styled clothing such as jeans, pants, blouses, collared shirts, polo shirts, and tennis shoes.
- (f) All Records Staff because of their public window responsibilities shall wear business casual clothing such as button style shirts with a collar, polo shirts, blouses, slacks or pants that are moderate in style. Jeans of a conservative nature may be worn with supervisor approval.
- (g) The following items shall not be worn on duty by anyone:
  - 1. T-shirt alone.
  - 2. Shorts.
  - 3. Short skirts or short dresses.
  - 4. Open toed or flip-flop style sandals.
  - 5. Swimsuit, tube tops, or halter-tops.
  - 6. Spandex type pants or see-through clothing.
  - 7. Clothing that is overly loose fitting or revealing.
  - 8. Distasteful printed slogans, buttons or pins.
- (h) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (i) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Issaquah Police Department or the morale of the employees.

#### 1045.5.1 SWORN STAFF CIVILIAN ATTIRE DUTY EQUIPMENT

Sworn staff assigned to duties that allow civilian attire or administrative uniformed personnel are required to carry certain required equipment and may carry optional equipment.

The authorized Civilian Attired Duty equipment is as follows:

#### **Required equipment:**

- (a) Department approved firearm.
- (b) Approved holster.
- (c) One or two sidearm magazine(s) in case.
- (d) Handcuff(s) in a single or double handcuff case.
- (e) Department Badge.

## *Uniform Regulations*

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### **Optional equipment:**

- (a) Black personal style flashlight and case.
- (b) Black case containing multitool/knife.
- (c) Taser and holster, worn cross draw.
- (d) ASP baton and case.
- (e) Pepper spray and case (large or small).
- (f) Radio holder with radio.

No other items may be worn on duty without the approval of the Chief of Police.

### **1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Issaquah Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Issaquah Police Department, to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast or any website.

### **1045.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (See the Department Owned and Personal Property Policy).

# Issaquah Police Department

## Issaquah PD Policy Manual

### *Uniform Regulations*

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#### **1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Issaquah Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Issaquah Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

# Nepotism and Conflicting Relationships

## 1049.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 1049.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department does not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

## *Nepotism and Conflicting Relationships*

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in serious violations of state or federal laws.

### 1049.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

# Issaquah Police Department

## Issaquah PD Policy Manual

### *Nepotism and Conflicting Relationships*

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#### 1049.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations, whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

# Domestic Violence Involving Law Enforcement Employees

## 1051.1 PURPOSE AND SCOPE

This policy establishes procedures, protocols and actions for investigating and reporting domestic violence involving employees of this and other law enforcement agencies. The intent of this policy is to ensure that law enforcement employees are held to the standards of the law regarding domestic violence (RCW 10.99.090).

### 1051.1.1 DEFINITIONS

**Agency** - Means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Employee** - Means any person currently employed with an agency.

**Sworn Employee** - Means a general authority Washington peace officer as defined in RCW 10.93.020, any person appointed under RCW 35.21.333, and any person appointed or elected to carry out the duties of the sheriff under RCW Chapter 36.28.

## 1051.2 DEPARTMENT RESPONSIBILITIES

Issaquah Police Department has the following obligations (RCW 10.99.030 and 10.99.090):

- (a) Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for a sworn employee position has a history of domestic violence, child abuse allegations, or have been subject to protective order.
- (b) Maintain ongoing and meaningful relationships with victim advocacy groups and other domestic violence professionals in the community.
- (c) Provide education to Issaquah Police Department employees on the dynamics of interpersonal violence.
- (d) In response to observed behavior or at the request of the employee, the Issaquah Police Department may offer or recommend intervention services to employees. If domestic violence is suspected, the referral should be to a domestic violence specialist.
- (e) Any employee who becomes aware of domestic violence committed by a sworn employee must immediately report that allegation to their supervisor.
- (f) Recognize that employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated administratively and criminally as appropriate.
- (g) Provide information to employing law enforcement agencies within 24 hours of a domestic violence or domestic dispute report involving a sworn officer.



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### *Domestic Violence Involving Law Enforcement Employees*

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- (h) Provide information on this domestic violence policy and programs under RCW 26.50.150 to employees and make it available to employee families and the public.
- (i) Provide victims of domestic violence by Issaquah Police Department employees a department point of contact to assist the victim through the investigative process. Consideration should be given to selecting a point of contact at least one rank higher than the perpetrator, and would ideally be someone other than the investigator.
- (j) Provide victims of domestic violence by Issaquah Police Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim's information.
- (k) Respond to Issaquah Police Department employees who are alleged victims of violence at the hands of sworn employees of the Issaquah Police Department. Safety concerns and domestic violence services information will be reviewed with the victim employee.
- (l) Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by a sworn employee and appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Issaquah Police Department or through agreements with other law enforcement agencies
- (m) Consider whether to relieve a sworn employee of Department-issued weapons and suspend law enforcement powers pending resolution of an investigation.

#### 1051.2.1 SUPERVISOR RESPONSIBILITIES

Supervisors are required to:

- (a) Be aware of behaviors in their subordinates that could be indicative of domestic violence and properly process observations of such behavior.
- (b) Ensure that domestic violence incidents are properly recorded and processed according to this policy.

#### 1051.2.2 COMMAND DUTY OFFICER RESPONSIBILITIES

A command duty officer notified of an incident covered by this policy shall notify the Chief of Police promptly of such incident and:

- (a) If an IPD employee is involved they shall:
  - 1. Determine if the involved employee's law enforcement powers shall be suspended and if duty weapon, and other Department-owned equipment shall be removed pending investigation outcome and possible prosecutorial charging decision.
  - 2. Issue an administrative order prohibiting contact with the victim if appropriate.

# Issaquah Police Department

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### *Domestic Violence Involving Law Enforcement Employees*

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3. Forwarded information on the incident to the professional standards unit and/or the Chief of Police for review and further action.
  4. Respond or designate a command officer to respond to a scene if the involved employee is a sergeant or above or if the situation dictates command presence.
- (b) If an employee of another law enforcement agency is involved they shall:
1. Verify command notification of the employing agency.
  2. Verify the supervisor has offered assistance with removing weapons, police powers, etc.
  3. Ensure that the Issaquah Police Department provides appropriate reports and any other requested documentation to the employing agency.

#### 1051.2.3 DOMESTIC VIOLENCE SPECIALIST RESPONSIBILITIES

- (a) In all instances of law enforcement domestic violence the Patrol Commander shall:
1. Review the report and assign the criminal investigation or coordinate with the agency of jurisdiction.
  2. Coordinate with the appropriate prosecutor's office regarding charging and prosecution.
  3. Coordinate with the appropriate domestic violence advocacy organization to assist with victim safety concerns. Victim notification of each step of the administrative process is critical to victim safety.
- (b) All completed investigations of domestic violence that reveal probable cause of a crime committed by any agency sworn employees or the agency head shall be promptly forwarded to the appropriate prosecuting authority for a charging decision.
- (c) For all situations involving an employee of this department, the Patrol Commander shall:
1. Contact the victim.
  2. Introduce the point of contact.
  3. Provide an update regarding the administrative process.

#### 1051.3 EMPLOYEE ACTIONS

Law enforcement employees have the following obligations or entitlements (RCW 10.99.090):

- (a) Employees are entitled to seek assistance through the employee assistance program, employee peer counselors, chaplains, or psychological professionals, however, in situations where family violence is indicated a referral to a domestic violence specialist is critical.

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## Issaquah PD Policy Manual

### *Domestic Violence Involving Law Enforcement Employees*

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- (b) Employees with knowledge or information about any sworn employee in violation of this policy must report in writing to their supervisor or the Administrative Commander as soon as possible, but no later than 24 hours. Failure to report may subject the employee to disciplinary action.
- (c) Employees who are victims of domestic violence are encouraged to request assistance, but are not subject to punitive measures for failing to report their abuse.
- (d) Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include, but is not limited to the report to their supervisor or the Administrative Commander within 24 hours.
- (e) Employees are expected to fully cooperate with the investigation of allegations under this Policy but only as requested by a supervisor, the Administrative Commander or by court subpoena.
- (f) When a law enforcement agency responds to a call in which a sworn employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that police response to their supervisor. A written report must follow within 24 hours, subject to the agency's internal investigatory process.
- (g) When an employee becomes the subject of an investigation for child abuse or neglect, or becomes subject to an order under RCW 26.44.063 or an order of protection under RCW 26.50.020 et seq. or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to his/her supervisor. A written report must follow within 24 hours to include a copy of any order and any notices of court dates, appearances, and proceedings received by the employee.

#### **1051.4 INCIDENT RESPONSE**

Any notification of any incident of domestic violence involving any law enforcement officer requires a prompt response, full investigation and a complete written report by this department (RCW 10.99.030). These incidents additionally require:

- (a) On-scene supervisory presence.
- (b) Notification through the chain of command to the Chief of Police of this department; and if the incident involves employees of another agency, notification of the agency head of the employing agency.
- (c) The Chief of Police may delegate responsibility for receiving such reports to a specialized unit and/or specific person. Anyone so designated the Domestic Violence Specialist or Domestic Violence Unit should have specialized training regarding the dynamics of violent relationships, victim safety and the role of advocacy. The point of contact or unit supervisor should review each referral for any potential conflict of interest

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### *Domestic Violence Involving Law Enforcement Employees*

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- (d) In the event of a report of domestic violence alleged to have been committed by the Chief of Police, prompt notification will be made to the employing entity's chief executive officer, or, in the case of an elected Sheriff, the County's Prosecutor.

#### 1051.4.1 RADIO RESPONSE

Employees of the Communications Center will ensure the following actions are taken:

- (a) Enter a call for service.
- (b) Notify the Shift Supervisor. If no supervisor is available to respond to the scene, communications will notify an on-call Command Staff.
- (c) Prepare and preserve documentation of the facts of the call, including the 9-1-1 tape.

#### 1051.4.2 PATROL RESPONSE

A patrol officer responding to an incident described as domestic violence involving a law enforcement officer should, whenever possible, request a supervisory response.

- (a) The primary unit will conduct a thorough investigation, including, but not limited to:
  - 1. Photographs of the crime scene and any injuries identified.
  - 2. Statements from all witnesses, including children, if any.
  - 3. The Domestic Violence Supplemental Report Form.
  - 4. Seizure of any weapons used or referred to in the crime.
  - 5. Signed medical releases.
  - 6. Copies of dispatch (CAD) records.
  - 7. 9-1-1 call recording preserved.
  - 8. Statement of the victim; statement of the suspect.
  - 9. Determine if the victim requests any guns or specific weapons be removed for safekeeping and accommodate removal or explain the process for seeking a court order for removal.
  - 10. Complete the report as soon as possible, but prior to the completion of their shift.
- (b) Patrol units responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damage, etc. or other troubling event involving law enforcement officers will complete written reports of the incident.
- (c) A copy of all reports of the incident should be forwarded to the Domestic Violence Advocate. Access to the report should then be restricted to some form of "read only" version or physically secured.

#### 1051.4.3 PATROL SUPERVISOR RESPONSE

A patrol supervisor shall:

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### *Domestic Violence Involving Law Enforcement Employees*

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- (a) Respond whenever practical to the scene of any domestic violence incident involving sworn employees of this department regardless of jurisdiction. Supervisors will coordinate information and offer assistance to the agency of jurisdiction to provide a complete investigation.
- (b) Respond to the scene of all domestic violence incidents within the jurisdiction of the Issaquah Police Department involving any law enforcement officer.
- (c) Coordinate the investigation, applying appropriate resources and special units such as forensics, photography, domestic violence specialists, advocates and ensuring command notification.
- (d) Write a report on all incidents, whether deemed criminal or not and route it through the chain of command.
- (e) In the event of the arrest of a sworn employee of the Issaquah Police Department, contact the Chief of Police who will order the surrender of the officer's Department-issued weapons and identification. Consideration should be given to other agency equipment and inquiries made about voluntary surrender of personal weapons that may be secured for safekeeping.
- (f) In the event of the arrest of a sworn employee of another agency, contact that agency prior to custody transport and request authorization to seize that employee's agency-issued weapons or arrange for the employing agency to obtain them.
- (g) Endeavor to make a good faith effort to locate the suspect if there is probable cause for an arrest.
- (h) Explain the process to the victim, including the opportunity for applicable emergency protection orders, administrative no-contact orders, and confidentiality statutes and policies.
- (i) Provide the victim with a copy of this policy and IPD contact information, acting as the point of contact until another assignment is made.

#### **1051.5 VICTIM SAFETY ASSISTANCE AND NOTIFICATION**

The Issaquah Police Department will work with community resources and domestic violence advocacy agencies and shall make available to the victim (RCW 10.99.090):

- (a) Information on how to obtain protective orders and/or removal of weapons from his/her home.
- (b) Assistance with obtaining such orders in coordination with domestic violence victim advocates.
- (c) A copy of this policy and any agency confidentiality policy.
- (d) Information about public and private domestic violence advocacy resources to include the Washington State Domestic Violence Hotline.

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### *Domestic Violence Involving Law Enforcement Employees*

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- (e) Information related to relevant confidentiality policies related to the victim's information and public disclosure as provide by law.
- (f) The Issaquah Police Department will coordinate victim notification regarding criminal and administrative investigative processes through the designated agency liaison in order to assist with victim safety.

## Department Badges

### 1053.1 PURPOSE AND SCOPE

The Issaquah Police Department badge and uniform patch as well as the likeness of these items and the name of the Issaquah Police Department are the property of the Department and their use shall be restricted as set forth in this policy.

### 1053.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1053.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Issaquah Police Department with the written approval of the Chief of Police.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

#### 1053.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1053.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes and/or a retiree flat badge. It is intended that any badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

## *Department Badges*

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### **1053.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1053.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Issaquah Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the initials of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.



## Temporary Modified-Duty Assignments

### 1055.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1055.2 POLICY

Subject to operational considerations, the Issaquah Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1055.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position in the Issaquah Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1055.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

## *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to the Chief of Police through the chain of command. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Chief of Police will make the decision regarding temporary modified-duty assignments based on availability, the needs of the Department and the limitations of the employee. The Chief of Police shall confer with the Command Staff, the Department of Human Resources or the City Attorney as appropriate.

### **1055.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Patrol Commander.

#### **1055.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but are not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

## *Temporary Modified-Duty Assignments*

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### **1055.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### **1055.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

### **1055.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under RCW 43.10.005.

#### **1055.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

### **1055.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1055.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification,

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### *Temporary Modified-Duty Assignments*

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training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1059.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1059.1.1 APPLICABILITY

This policy applies to all forms of communication especially on city owned equipment; including but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

## 1059.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Issaquah Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1059.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Issaquah Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

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### *Employee Speech, Expression and Social Networking*

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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1059.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Issaquah Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Issaquah Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Issaquah Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law or the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Issaquah Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

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## Issaquah PD Policy Manual

### *Employee Speech, Expression and Social Networking*

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee (RCW 9A.68.020).

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Issaquah Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1059.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Issaquah Police Department or identify themselves in any way that could be reasonably perceived as representing the Issaquah Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Issaquah Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized

## *Employee Speech, Expression and Social Networking*

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bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### **1059.5 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks. However, the Department shall not require a member to disclose a personal user name or password, or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Chapter 330, Laws of 2013).

### **1059.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.



# Line-of-Duty Deaths

## 1060.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Issaquah Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1060.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1060.2 POLICY

It is the policy of the Issaquah Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1060.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Communication Center and Command Staff.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

## *Line-of-Duty Deaths*

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### **1060.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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### *Line-of-Duty Deaths*

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Issaquah Police Department members may be apprised that survivor notifications are complete.

#### **1060.4.1 OUT-OF-AREA NOTIFICATIONS**

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### **1060.5 NOTIFYING DEPARTMENT MEMBERS**

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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### *Line-of-Duty Deaths*

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#### **1060.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1060.6.1 DEPARTMENT LIAISON**

The Department Liaison should be a Patrol Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a funeral and presenting the options to the appropriate survivors. The appropriate survivors will select funeral location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1060.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.
  - 2. Department members and friends of the deceased member.
  - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Issaquah Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1060.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1060.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

#### 1060.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on the possibilities of a law enforcement funeral. This choice will be decided by the appropriate survivors.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department through the approval of the appropriate survivors, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 1060.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Issaquah Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.



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#### 1060.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefit (RCW 41.26.510)
  - 2. Education benefit (RCW 28B.10.567; RCW 28B.15.380; RCW 28B.15.520)
  - 3. Retirement benefits (RCW 41.04.393)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

#### 1060.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### **1060.6.9 OUTSIDE AGENCY ASSISTANCE**

When appropriate, the department will utilize the assistance of organizations outside the department for assistance relating to matters of line-of-duty-deaths. These organizations range from non-profits, such as Behind the Badge Foundation, to Federal, State, and local agencies.

### **1060.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

### *Line-of-Duty Deaths*

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1060.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1060.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1060.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **1060.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

## **Attachments**

## **Org Chart Command Staff.pdf**

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